

# Religious Education

*Journal of The Religious Education Association*

VOLUME XXII

MARCH, 1927

NUMBER 3

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# Twenty-fourth Annual Convention of THE RELIGIOUS EDUCATION ASSOCIATION

## Convention Topic:

The Educational Function of the State;  
The Educational Function of the Church

## *Tentative Program*

### TUESDAY MORNING AND AFTERNOON (April 26)

Sessions on Motivation in Character and Religious Education

Meetings of the Directors and Ministers of Religious Education, and of the  
Week-Day Workers Affiliated with the Association

### TUESDAY EVENING

(Opening Session of the Convention)

#### Our Two-Headed Educational System

- I. "The Convention Purpose," J. M. Artman, The Religious Education Association.
- II. "The Realization of Character Through Education," *Presidential Address*, Sir Robert A. Falconer, the University of Toronto.
- III. "Causes of Friction Between State and Church," A. W. Merrill, Assistant Superintendent of Public Schools, Des Moines.
- IV. "The Problem Defined," George A. Coe, Columbia University.

*These addresses will present the historical background of present day conditions.*

### WEDNESDAY MORNING (April 27)

#### The Present Status of Character Education

- I. "What is the State Doing for Character Education, and What is it not Doing?" Henry Noble Sherwood, Indiana Superintendent of Public Instruction.
- II. "What is the Church Doing for Character Education, and What is it not Doing?" Luther A. Weigle, Yale University.
- III. Discussion.

### WEDNESDAY AFTERNOON

#### The Conflict of Educational Ideals

- I. "The Limitations of Public Education, as Seen by Churchmen."  
*The Roman Catholic View*, James H. Ryan, National Catholic Welfare Conference, Washington, D. C.  
*The Protestant View*, Lynn Harold Hough, Central M. E. Church, Detroit.  
*The Jewish View*, Louis L. Mann, Sinai Temple, Chicago.
- II. "The Limitations of Church Education, as Seen by Schoolmen."  
Speaker to be announced.
- III. Discussion.

### WEDNESDAY EVENING

#### Typical Attempts at Cooperation

- I. A symposium, in which outstanding attempts at cooperation between church and state will be presented in the endeavor to answer the question: "In existing relations, what works well, and what does not?"
- II. "The Unfinished Task." Walter S. Athearn, Boston University.

#### **THURSDAY MORNING (April 28)**

##### **The Problem of Cooperation Between State and Church**

- I. "As a Schoolman Sees It: What Cooperation do Schoolmen want from the Church?" J. O. Engleman, Superintendent of Schools, Terre Haute.
- II. "As a Churchman Sees It: What Cooperation do Churchmen want from the State?" Hugh Magill, The International Council of Religious Education.

#### **THURSDAY AFTERNOON**

- I. Business Session.
- II. Forum Session: "In view of existing conditions, what can we do about it?" Led by Gerald B. Smith, The University of Chicago.

#### **THURSDAY EVENING**

##### **Banquet at 6:30 o'clock, followed by discourses**

- I. "Is State Education Moving Forward?" F. J. Kelly, The University of Minnesota.
- II. "Is Religious Education Moving Forward?" Theodore G. Soares, The University of Chicago.
- III. Five four-minute interpretations of the Convention, and of the task it lays upon us.

#### **FRIDAY MORNING (April 29)**

##### **Research in Character and Religious Education**

Brief reports on research work now in progress. Speakers to be announced.

#### **FRIDAY AFTERNOON**

##### **Methods of Research**

- I. "Surveying." Arthur L. Swift, Union Theological Seminary.
- II. "Character Tests." Speaker to be announced.
- III. "The Case Study Method." Ernest B. Harper, Kalamazoo College.

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Rooms at the Congress Hotel may be reserved at the following rates:

Single room, with bath, \$4.00. Single room, without bath, \$2.50.  
Double room, with bath, \$6.00-\$7.00. Double room, without bath, \$4.00.

Each one will make his own reservation direct with the hotel.

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#### **The Convention Committee**

Gerald Birney Smith, The University of Chicago, *Chairman*  
J. M. Artman, The Religious Education Association  
J. W. F. Davies, First Congregational Church, Winnetka, Illinois  
Ozora Davis, Chicago Theological Seminary  
W. J. Hamilton, *Superintendent*, Public Schools, Oak Park, Illinois  
L. T. Hites, The Religious Education Association  
Louis L. Mann, Sinai Temple, Chicago  
Walter Dill Scott, Northwestern University

## EDITORIALS

### THE IMPORTANT QUESTION

After having been nominated for a second term as mayor of Chicago, William E. Dever outlined the platform upon which his campaign will rest. In this statement of platform occur the following significant paragraphs:

"The important question is how best to promote the moral health of the future generations. No one group can raise the moral level. This must be done, if at all, through education.

"We have built 51 new schools and an additional 17 are being completed and will be opened in April. We have added 72,500 seats for children of school age, and have improved the educational methods under which 505,000 future citizens are learning.

"Deep in the heart of many abides the hope that some superman will appear on the horizon who, through his own power and personality, will lift the innate moral level of a city like Chicago. That is an impossible dream. If the home fails us, if the school fails us, if religion fails us, we will meet with certain disappointment when we turn to officialdom armed only with the power of physical force, for permanent relief.

"We must turn back to the child, the mind of the future, to lift the mind of our democracy. And in teaching the children to read and love books we must give them the measure of opportunity for self-thinking. Those who are not inspired to act in a social way, by the light of their education, are more or less useless to the community. The intelligent, informed man ought to be willing to do something in a social way for his city and state."

### DEPARTMENT OF SUPERINTENDENCE

The program of the Department of Superintendence of the National Education Association for the session just held at Dallas, Texas, emphasized ideals, citizenship, nationality, and character. The makers of this program undoubtedly recognized that our schools must not be centered on information and subject matter only, but also on the pupil. They knew that in any democracy we must have not only intelligent but also righteous citizens.

Another item about the Dallas meeting of significance is the fact that pulpits of the various churches in the convention city were filled by leading educators who are in attendance there.

The major emphasis in our schools for a long time has been information. Certain notable advances have characterized the teaching process. For instance, the words our children learn to spell have been selected with painstaking care. Research has found with objective exactness the vocabularies with which children should become familiar. Great studies have been made in the theories of motivation. Of late the problem and project method of teaching has been developed at great length.

It is noticeable, however, that these progressive measures have not touched the field of character education. Two reasons explain this fact; our American schools have over-emphasized information, and our deep-seated prejudice against formal instruction in the field of morality has kept our attention away from the teaching of ideals.

No one would minimize the importance of teaching information. All rejoice in the improvements in technique



that have made more effective this schoolroom activity. But we recognize that this program is short of the real goal of education. Mere learning is not enough. Mere information does not go far enough. Education deals with life and it is a life-long process. We want more than an intelligent citizen. We want a citizenship at its best.

We are today face to face with the conviction, first, that character building has not had its proper place in our school program, and, second, that we have not developed a technique for this school function. Undoubtedly the greatest single improvement that can be made in our public school practice is to build a satisfactory plan of character training. Here is a most challenging problem for research.

Our teachers cannot be indifferent to character education. The teachers must have moral standards and conduct their lives in harmony with the best standard they know. Every study which has touched the development of personality warrants the conclusion that the prime factor in it is the influence of other personalities. Teachers must also know the technique for teaching ideals. They must know the method that gives pupils not only a mastery of facts, but leads them to the command of character. Here is the supreme challenge of our teacher training institutions—to equip teachers in the methods of character building. Then will we have another sign that the morning of faith will grow into the acme of righteous achievement.

*Henry Noble Sherwood,*

*State Superintendent of Public*

*Instruction.*

*Indianapolis, Indiana*

## THE COLLEGES MEET IN CHICAGO

The man who finds himself at the head of a college after a number of years as pastor attends such a meeting as that just held by the Association of American Colleges in the Congress Hotel, Chicago, January thirteenth to fifteenth, with a distinct impression. The impression is this:

The same self-questioning and self-analysis which today characterize the field of Christianity are to be found in the field of "higher education." In this association of American colleges, college presidents and deans, representing, in the main, the colleges west of the Hudson river, there was a sincere effort to agree upon the spirit and methods which should express the work of an effective college.

The spirit of these meetings was essentially Christian. Whether the speakers came from the state universities or from the small colleges, they voiced an awareness of the spiritual forces which go to the development of personality, and spoke unqualifiedly for the programs which put first things first and the distractions of extracurricular activities second. Two addresses, one by the president of the association, Dean John R. Effinger, and one by President Clarence C. Little, both of the University of Michigan, approached the problems of college life with a distinct recognition of the importance of the individual personality of the student. Dean Effinger spoke from his rich background of numberless contacts with a large student body and President Little with a determination to preserve in the larger body the fellowship of the teacher for his creative students. President Kerr D. Macmillan of Wells College approached the problem of the effective college from the standpoint of a college of two hundred. All agreed that, whether colleges be large or small, there must

be such an organization as to make possible for students an intellectual fellowship, and that the primary object of the college, the acquaintance of its students with enduring values, should be conserved.

The association was intent upon guarding the efficacy of teaching. A report presented by President Donald J. Cowling of Carleton College established standards of not more than twelve students for each teaching member of the faculty and insisted upon resources of \$12,000,000 as requisite for a college of a thousand students.

Dean Otis E. Randall, of Brown University, condemned American standards which demanded higher wages for cooks and chauffeurs than it did for college teachers. An association survey showed the average annual salary of instructors to be \$1,100 to \$1,500; that of assistant and associate professors, \$2,000 to \$2,500; that of full professors, \$2,500 to \$4,000. The ideal aimed at by the report presented by President Silas Evans of Ripon College recommended that colleges spend less on luxurious buildings and more on books.

President Parsons of Marietta College in his address, "Should Teachers Teach," emphasized the primacy of teaching for the college program. President Max Mason, speaking for the college within the university, magnified the importance, for the awakening of scholarly interest within the student, of opportunity for informal and personal relationships with great scholars and scientists.

Dean Nollen of Grinnell College listed fourteen evils incident to the modern athletic program, among them, betting, too much publicity, a thirst for victory at any odds, scouting for athletic prospects and their remuneration, and the building of stadiums out of all proportion to the academic equip-

ment. He urged the elevation of the coach to the status of an expert educator and the welding of athletics into the whole scheme of things.

Vice-President Arnett of the University of Chicago, in speaking upon "How the Financial Needs of the Effective College Are to Be Met," advocated the reorganization of the financial policy of the college upon the basis of stipulating as the tuition fee practically the total educational cost. The student unable to meet the total cost would be aided by a helpful policy of student loans; the endowment would be released from the physical extrusion and to provide funds for student aid.

An inquiry as to why Doctors of Philosophy are not more productive of original work in their special fields was answered on the basis of an exhaustive questionnaire by the reply that most colleges prefer teaching to research. That this is, on the whole, a commendable emphasis is possibly not to be gainsaid. Not long ago, however, the complaint arose on the part of teachers hunting places to the effect that college presidents paid more attention to the teachers who wrote books than to those who emphasized teaching. The college president was blamed in both instances, but college presidents have learned to take blame smilingly.

The association reflected a feeling of concern over the growth of tax-supported schools, but was serene and firm in its belief in the importance of the objective and the spirit of the liberal arts college. Essentially the meetings evidenced a recognition of the importance of a constructive, positive philosophy of life and renewed its faith in the value to America of higher education.

*Irving Maurer,*

*Beloit College.*

## RELIGIOUS EDUCATION IN MEXICO

Every believer in the importance of religious education in the lives of children, in so far as he has considered the struggle between church and state in Mexico, must have asked more than once, What of religious education in Mexico?

The answer, to those who have made a careful examination of the legislation which affects it, seems to be quite simply this: Except for the right of establishing parochial schools of primary grade, a thing which has not been done by the great Protestant groups in the United States to any considerable degree, it is on exactly the same plane as religious education in our own country, so far as the government is concerned. That is, it has been relegated to the realm of the extra-school efforts of the various religious organizations of the land.

In substance the articles of the new law affecting religious education are as follows:

Art. 3. All teaching in private as well as public schools, whether of elementary or secondary grade, must be non-religious. A school may be closed and the teacher severely punished for a second infraction of the law.

Art. 4. Primary schools may not be established nor conducted by priest, minister or religious organization.

Art. 5. All private schools are subject to supervision by the government.

There would seem to be here no prohibition of religious instruction. The Sunday school is in no sense interfered with. There is no prohibition of classes for religious training outside of school hours or in other than established schools. There is every opportunity for vacation religious schools. There exists no greater impediment to week-day religious

schools, theoretically, than is found in many states of the United States. Indeed, the repeated declarations of the president and his representatives that the administration is not against religion, but only determined to control the educational system, would lead one to suppose that a proper approach at the present time when the government is anxious to make any concession that does not imperil its main objective, might secure favorable action toward linking week-day religious instruction up with the public school system more effectively than has been possible in our own country.

There seems to be no indication anywhere that a thoroughgoing program of moral instruction may not be provided in the government schools, nor is there of course any government restriction upon the personal religious and moral influence which the right sort of Christian teachers might have upon the pupils.

To those who believe that formal religious instruction ought to be given in the public schools, or that parochial schools maintained apart from the public school system is the ideal, the situation in Mexico may seem quite serious. On the other hand, to those who doubt the efficacy of such formal religious instruction as can be given in a public school system, and to whom the whole parochial system seems undemocratic and out of harmony with the trends of modern life, there is little cause for serious concern. Many such expect, after the inevitable readjustment following the present unfortunate state of disturbance, that a more vital and effective type of religious education will emerge than Mexico has yet known.

Chas. S. Braden.

Northwestern University.

### WILL CHINA REJECT CHRISTIANITY?

This question is probably the one most frequently asked in connection with the present situation. Closely allied is the question, "Will China go Red?" There is a direct relation between the two. For years China has looked upon America as its best friend and America stands for Christianity. But of late there has grown up an increasing suspicion of America and a decided turning to Russia for friendship and help. Now the present government of Russia is avowedly and blatantly anti-Christian, even anti-religious. Will the new friendship overthrow the work of a century of missions and lead China to reject Christianity?

Those in America who know China best say, "No." When Dr. Warnshuis, Secretary of the International Missionary Council, was asked for his opinion of the future of Christianity in China, he immediately replied, "You can put it in three words: Never more hopeful." On February 12 the Executive Committee of the National Christian Council issued a statement which said, in part, "The present situation is calling out and developing Chinese leadership and initiative in the church, which is an encouraging fact. Though the church may have lost in members, it is gaining in spiritual power." At a recent luncheon Dr. Frank D. Gamewell, veteran of forty years missionary service in China and director of the defense of Peking during the Boxer Rebellion, was asked, "Will Red influence lead the Chinese to reject Christianity?" "No," he answered, "they have too much common sense. When two Chinese coolies have a quarrel they stand off and shout at each other, 'Do you discuss funda-

mental principles or not?' That is China. Its people go after fundamental principles and have an abundant common sense that carries them through every crisis."

In spite of these heartening assurances we must recognize that there is a strong and possibly increasing anti-Christian movement. The main argument is that the so-called Christian nations are imperialistic, materialistic, and unfair in their treatment of China. "Religion," say the radicals, "and especially Christianity, is the tool of capitalistic imperialism. This is more apparent now than ever before. The missionaries have told us that religion stands for helpfulness, kindness, equality, justice, and the use of love instead of force. But when we ask for simple justice these Christian nations send us warships and additional regiments of troops. The only nation that treats us as an equal and sends us help is one that has officially rejected religion."

That the future of Christianity in China depends greatly upon what happens in the next few months seems certain. Sun Fo, son of Sun Yat Sen, is reported as saying, "Men are asking if Christianity can survive—whether the church can go on with its work. It depends on whether Christians and the Christian church stand with or against the people." The attitude of the governments of England and the United States will matter tremendously. Armed intervention will strike a hard blow at religion. Abolition of unequal treaties, giving up of concessions, fair treatment of every kind will aid greatly to restore faith in the Christian religion.

Regardless of the immediate out-

come of diplomatic negotiations, those who know China best say the church will go on to new strength. One thing that has helped greatly is the attitude of many of the missionaries who have openly championed the cause of the people, have publicly renounced all extra-territorial privileges and urged the repeal of unfair treaties. More leadership has been handed over to nationals. Lingnan University of Canton, for example, is effecting a complete reorganization, placing the academic operations of that great institution under Chinese control. A new national leadership is forging to the front to lead the Christian forces. Difficulties, or even persecutions, will not check this leadership. The common sense of the Chinese, on which Dr. Gamewell commented, is constantly manifesting itself. Religion is being judged on its merits, not alone by the conduct of its professed advocates.

The Chinese are making it perfectly plain that they are taking from Russia only what they want. Communism is being rejected. The will to serve the people is being retained. It is a fair assumption that the Bolshevik bitterness against religion will likewise be rejected and the value of religion be recognized. This is a new day for China as a nation, a better day, we hope, and it is likewise a better day for the Chinese Christian Church.

*Gilbert Q. LeSourd,  
Missionary Education Movement.*

### A LETTER

from a member of the Association to Dr. John Haynes Holmes commenting on his recent article.

I write with reference to your challenging article in RELIGIOUS EDUCATION for January. Nobody knows better than those of us on the ground do how suf-

focating the atmosphere sometimes becomes in this orthodox section where almost everybody goes to church. Our small city represents the best and the worst of what you mention. In a population of about 90,000 we have 27,000 Protestant church members. Our churches are many of them strong and thronged. The more conservative the theology, the more fundamentalist the religion, the more strength and the more throngs—superficially viewed. Aimee Semple McPherson with her gospel of otherworldly salvation packs the largest civic auditorium. One preacher professes his belief in the doctrine of total depravity on the basis of the depravity of his own heart, and the need for constant reproof on the part of his small children.

But consider the other side. Here are four of us in this building, or rather working out of this building as general headquarters: the county YMCA secretary (Congregational), the City Boys' Work secretary (Methodist), the Negro branch secretary (Colored Baptist) and myself (Congregationalist) are all men of modern outlook, free from sectarian bias, and thoroughly in sympathy with the modern, social religious emphases. You will assume this, I am sure, without my seeking to document it. The four of us have been here an average of six years. We deal with a constituency 90 per cent of which is exceedingly conservative and by no means shares our viewpoint. Yet we are putting on a thoroughly modern program which is conspicuously successful as compared with the achievements of communities of similar size.

Why so successful?

Partly because we capitalize the breadth of the broad leaders.

Partly because we ourselves, while maintaining freedom of utterance, try also to maintain a spirit of patience, hu-



mor, and "leading on gently according to the pace of the children." We are conscious of no limitation on speech or action, unless it be one of the tempo of progress. In no specific matter are we denied freedom of utterance.

I cite this situation merely to bring to your attention that there is a more optimistic side to the whole religious life of this section than you have had opportunity to see at first hand. There is good reason to believe that the props are dropping out from under the sectarian fences everywhere. And it may be that the spiritual health of this whole section of America may produce results in terms of religion appropriate to our age much more rapidly than appears likely at a distance.

My entire purpose in writing this letter is academic. You are not interested in us personally, or in our situation specifically. You are interested in socio-religious evidence of progress. Let me assure you that there are grounds for great hope.

There are two obvious approaches to the future. One is the prophetic, pioneering freedom of men like yourself, who break away gloriously and light the pathway for the rest of us. Another way is the one taken by some of the rest of us. Perhaps only a little less courageous and radical, we choose to keep in touch with the great rank and file of church folks where they now are, regrettably far back in the mediaeval period, and try as best we can by ignoring the vestigial to pull forward toward the things as yet only hoped for.

Let me cite one slight evidence of success. Last night 60 people had a Spanish supper together at our Mexican Protestant Church. It was served by the Mexicans themselves, the guests being the members of the churches which have helped to erect the building. With a fulltime Spanish speaking pastor, in his

own manse, with a beautiful little church and community house as fine as any similar sized church in town, this congregation operates under the direction of a Committee of our Council. There is no quarrel as to creed, as to sacrament, or anything else. Disciples, Quakers, Presbyterians and a dozen other fellowships co-operate ecclesiastically, financially, recreationally and in every other way. Official Methodism invests \$700.00 a year in this interdenominational mission for Mexicans. Here is a project which is broad, prophetic, modern. All but the Baptists share in it. We hope they may some day—now they have their own mission. And this in the heart of the "Bible Belt." Some day we shall be able to do for Nordic Americans what we are already doing for Mexicans. There is anomalous humor in this situation, but we grin and push ahead.

Isn't this a wiser strategy than to pooh-pooh the mediaevalism of our constituency? Privately we are fighting radicals. Officially, without compromise—unless it be what Lindeman calls compromise upward—we deal patiently with the theologically laggard.

Doesn't this bit of mid-western reality supplement your article in an interesting fashion?

Of course we should like sometimes to kick over the traces and tell the whole crew to go to blazes. But would that build the Kingdom of God? And we are eager to arrive at the place at which you want us to arrive.

In other words, under the hypocrisy, the cant, the smug complacency which we know all too well, there is a genuine mine of real religion which we are seeking to dig. Some day we shall get this ore out and smelt it and fabricate it into the most modern instruments of social and religious progress. And New York and the universities of Europe will rejoice with us. Won't they?

# DISTINGUISHING MARKS OF THE MODERN STATE, AS THEY RELATE TO EDUCATION AND RELIGION

CARL ZOLLMANN\*

The purpose of the present paper is to show, through a short historical sketch of the development of education, the radical change which has been effected within the last fifteen hundred years in the field of education. Public education has almost wholly been removed from the control of the church to that of the state. In consequence, teaching today in public schools is almost wholly secular, whereas formerly it was almost wholly religious. That both extremes must breed disastrous consequences is a foregone conclusion. Some modification by which a proper balance may be restored is, therefore, not only desirable but essential to our national wellbeing. Such a result is today loudly demanded by all who have given this subject study and thought.

The manner of treatment is largely historical, though stress is laid on the situation as it exists today. The author has not attempted to produce a pure source article, but rather weaves the source material into the web and woof of the discussion. It is hoped that what the presentation has lost in one way, has been made up in another.

## *Secular Character of State*

The modern state is distinctly secular. Its aim is not to prepare its citizens for another world, but to make their stay in this world as useful and comfortable as possible. To this end the state maintains fire, police, and health departments, constructs sewers and filtration plants, digs canals and erects public buildings, supplies its citizens with water and removes their garbage, creates institutions for the care of unfortunates, and even provides its criminal elements with jails and peni-

tentiaries which are a vast improvement over the dank, damp dungeons of which history tells us and which still are exhibited to visitors in Europe. Most of all, the state supplies secular education to all its youth and spends for this purpose more than for any other purpose and perhaps more than for all other purposes combined.

Despite its essentially secular nature, however, certain religious elements still enter into its activities. Chaplains are maintained at public expense in the army and navy, and in penitentiaries and reform schools. The meetings of congress and of state legislatures are opened with prayer. The oath which is daily administered in the courts ends with the words, "So help you God." The announcement with which the sessions of the United States Supreme Court is begun ends with the words, "God save the United States." In many public schools the Bible is still read, prayers are still offered, and religious hymns are still sung. Our national coins from the humble Lincoln penny to the proud double eagle contain the words "In God we trust."<sup>1</sup> Church taxation, though it receives the same protection from the police and fire departments as does other property. While no one is forced to attend any particular form of worship or contribute directly to its support, while no one form of worship is favored over any other, while, therefore, the citizen has the completest liberty of conscience and may join any church or none at all, the state still is vitally interested in the religious life within its borders and expects the property is universally exempted from

1. During Roosevelt's administration a gold coinage was issued which omitted these words. The protest which resulted caused these words to be reinstated. They are on the coins which are minted today.

\*Professor at Marquette University School of Law. Author of *American Civil Church Law*.



churches to relieve it of many a burden which it otherwise would have to bear.

### *Religious Incidents of State*

That such a situation should result in some overlapping of the proper activities of the one with activities improperly assumed by or imposed on the other is to be expected. The dissemination from numerous pulpits of historical, economic, political, and sociological theories before the war brought it about that the clergy of the country during the war was flooded with suggestions for "patriotic sermons" sent by public and semi-public agencies, which in some cases were followed up by secret service men being sent to certain churches to see that these suggestions were carried out.

Another example of such overlapping is afforded by our prohibition problem. This particular remedy for existing evils was forced on the country by the political activities of the Anti-Saloon League, which in turn is essentially an arm of the reformed—as distinguished from the Lutheran and Catholic—church groups, and which carried out and incidentally reduced to an utter absurdity the Calvinistic idea of righteousness by legislation. It today forms the best exemplification of the old saying that politics makes strange bed fellows. For the league and those who control the illegal trade which has grown out of prohibition are now in absolute accord on the fundamental proposition that the saloon must not be re-established. The league with its Bible before it, and bootleggers and hijackers with machine guns in their hands, are willing to fight to the death for this principle. It is, therefore, perfectly clear that the Anti-Saloon League will receive not only the votes and the moral support of the rumrunners in its efforts to prevent the saloon from coming back, but that it will not, so long as it prevents the saloon from blooming again, lack the financial sinews of war even though its own im-

mediate adherents should withdraw all support from it.<sup>2</sup>

It is thus clear that not all the problems of the proper relation of state and church in this country have been definitely solved. Therefore, it ill behooves us to point the finger of scorn at Europe where this relationship is far closer and where consequently the individual liberty of the citizens is far more restricted. Nevertheless, an historical review of how our present situation has come about and what it is today is useful, as it will enable us not only to predict what the situation will be in the future, but will enable us actually to do something to guide such development into the proper channels. Two separate though connected propositions will have to be considered. The process by which our public schools have been secularized until they have become in some measure even a public menace will have to be traced and the present situation will have to be stated. The development by which church property has been exempted from taxation, and the result of such exemption, will have to be presented. In connection with the schools, it is necessary, for a proper understanding, to go back into the earliest centuries of the Christian era. In connection with tax exemption it will be sufficient to start with the history of the colonization of the thirteen colonies.

### *Origin of the Difficulty*

Neither the theocratic religion of Judaism which merged church and state into

2. Our prohibition problem, of course, is not the only case where church interference with state activities has produced bad results. The statute books of all states are filled with laws whose passage was championed by well-meaning persons but which are a perfectly dead letter, cannot be enforced, and are not enforced. Such a situation has literally bred the well-known contempt for law which is such an outstanding feature of our modern life. Such contempt is one of the most disintegrating forces active in our present society. A vicious circle has been created. Contempt for the law is followed by more laws to cope with such contempt. Such laws in turn are followed by more contempt. The whole thing is growing like a snowball in favorable weather. Which of the two will outrace the other is impossible to foretell. Contempt for the law certainly cannot be cured by passing more laws and not enforcing them. A more effective remedy would be to repeal the unenforceable laws and strictly enforce those which remain.

a union of the component factors of one substance which could exist only in the union, nor the various heathen mythologies, whether those of Thor and Odin coming out of the frigid north, those of Venus rising out of the warm Mediterranean Sea, or whether they were the more advanced eastern philosophies, could properly raise the question of the relation of state and church. Only when Christ proclaimed: "My kingdom is not of this world," was the foundation laid for the problem with which Europe has been afflicted for sixteen centuries and which has found a nearly adequate solution only in the New World.

Nor was the relation of church and state a pressing problem during the first three centuries after Christ. The Christians were, during a portion of this time, barely tolerated, and during a very substantial part of it were vigorously persecuted. Only when Constantine occupied the Roman throne and the persecutions ceased did the problem arise. With the Roman emperors themselves professed adherents of Christ, what was to be their policy toward those who still adhered to the old heathen cult. Were they to be tolerated or were they to be persecuted as the Christians had been. Was the church to rule the state or was the state to rule the church, or were the two to go their separate way? Manifestly, much depends on the personality of the emperors and popes who occupied their respective positions at the same period of time. However, it soon became obvious that the church was gaining in this matter on the state.

#### *Early Developments*

The tithes which the successors of Constantine levied for the support of religious institutions brought large funds and endowments into the church, which were naturally administered by the bishops, who thus added a semi-civic function to their ecclesiastical office. The step toward a claim of judicial power in

cases where the rights of the clergy, general or special, were involved, was quite natural. Such an episcopal court was even welcome to society as it was then constituted, for in the chaotic condition caused by the eruption of the northern hordes, the only hope of justice was in the church. From this situation the next step was the formulation of the lofty ambition which soon moulded the papal policy. Since the power of the various bishops was rapidly, and in increasing measure, reaching into civil and judicial matters, such bishops became in certain important particulars state officers in whose appointment kings and emperors took a hand.

While the eastern church, resigned to the protection of the empire, sank into dependence and decadence and was content to be the servant and creature of the state, the western church, cast upon its own resources by the destruction of the empire, grew increasingly virile and ambitious as the centuries advanced. "The sole survivor of society in the midst of the chaos of empire, it found itself guide and arbiter in countless matters other than those which concerned faith and worship. It is not strange that its ambition, thus nurtured, should reach to the complete mastership over kings, governments and people."<sup>3</sup>

It was the church with its center at Rome which visualized the conception of a single body of worshippers partaking of the same sacraments, and which propagated afresh the feeling of a single Roman people scattered throughout the world.

"In the decrepitude of old institutions, in the barrenness of literature and the feebleness of art, it was to the church that the life and feelings of the people sought more and more to attach themselves; and when in the fifth century the horizon grew black with clouds of ruin, those who watched with despair or apathy

<sup>3</sup> Cobb, *Rise of Religious Liberty in America*, page 20.

the approach of irresistible foes, fled for comfort to the shrine of a religion which even those foes revered."<sup>4</sup>

Says Cobb: "The church of the west was the savior of society. In the downfall of the empire and the wreck of all social and civil institutions, towards the church alone turned the hopes of men, the only stable thing in the midst of universal ruin, the only anchor in the storm. It was a city of refuge for the fugitive and the oppressed. It listened to the cry of the afflicted. It stretched out the hand of authority or uttered the voice of persuasion, to check many turbulences and to make many crooked things straight. As society recast itself after the violence of the storm, the moulding hand of the church was everywhere present, as the sole possessor of light and knowledge, the constant witness for law and righteousness."<sup>5</sup>

It was natural that this great growth in the influence of the church should rouse the envy of kings, emperors and princes. A long drawn out battle was the result, which great battle is in fact almost the entire history of the middle ages. The unregenerate character of the great majority of these worldly sovereigns made the attempt on the part of the papal see to control them in the interest of society an absolutely foregone conclusion. The power to do so was there and its unrestricted use was the natural consequence. The result of the process finally was that:

"With a system built up by centuries of spiritual guidance and of wise statecraft, Rome at last presented an institution, with which when the kings of the earth attempted to cross swords, the struggle was as a battle of the gods."<sup>6</sup>

#### *Conflict of State and Church*

No attempt will be made even to sketch the titanic battle between the various popes and emperors from Charlemagne

down to the dawn of the Renaissance. Charlemagne, indeed, checked the process of papal aggrandizement for more than two centuries, though he at the same time by his benefactions laid the foundation for further progress. The entry of Henry III into Italy in 1046 marked the extreme of the supremacy of the state, which thereafter rapidly waned while Henry's son was a minor. Hildebrand, the greatest of the popes, made tremendous strides in the expansion of papal authority and eventually forced Henry IV to stand for three days barefooted in the snow at Canossa begging to be admitted into the presence of the pope to confess to him. Hildebrand's successors continued his policy until Emperor Lothair held the stirrup of Pope Hadrian and Innocent claimed the homage of all kings and excommunicated Sweno for usurping the throne of Sweden, laid an interdict on Spain because one of its kings had married his cousin, threatened John of England with deposition, and attempted to annul Magna Charta. "He declared explicitly that as the power and property of the realm belonged to the Roman Church, its vassal king could make no change in its condition, to the Church's prejudice."<sup>7</sup>

#### *Monasticism as an Educator*

That education would be neglected during this furious combat was to be expected. Knighthood was in flower and so was feudalism. The feudal barons were interested in fighting, hunting, and such other rough amusements as existed. They developed and perpetuated certain ideals of chivalry, but were glad to leave reading, writing, and arithmetic to others. The mass of the people were in the bondage of feudalism, were almost, if not wholly, barbarians, and cared little or nothing for intellectual culture. Such education as remained was, therefore, in the hands of the monks, the only class which led a sedentary life. Since to them

4. Bryce, *Holy Roman Empire*. pages 12-13.

5. Cobb, *op. cit.*, page 35.

6. Cobb, *op. cit.*, page 36.

7. Bryce, *op. cit.*, page 210.

it meant training in the practical virtues, education for hundreds of years to come was to possess little of the intellectual element. The church was interested in the reformation of society, in the destruction of the terrible decadence of the last centuries of the old Roman empire, and, therefore, it turned its attention to the moral education of its own membership and thus to the regeneration of society. The evil of divorce and of infanticide, the gladiatorial contests which had amused the Roman populace, the immoral public ceremonies and the lascivious practices of private pagan worship were gradually eliminated.

"In monasticism the education of the early church finds its culmination and perpetuation. From the sixth century to the thirteenth, save for the cathedral schools—which during the greater part of this period were in a state of but minor activity and even then taught for the most part by monks—there was in western Europe no other education containing any intellectual element."<sup>8</sup>

What little was preserved in western Europe of the ancient learning, of the old manuscripts, of the old literature, was preserved by the monasteries. The monks were even literary producers and bequeathed the "seven liberal arts" to the world.

Much has been written about scholasticism. It naturally grew out of monasticism.

"Definite though narrow in its aim, restricted in its subject matter, keen and subtle in its method, fruitful in its outcome in the development of certain mental traits and abilities, extremely limited in its social influences, scholasticism was a type of intellectual life that has been grossly abused and as much underestimated during the centuries following its overthrow by the Renaissance movement of the sixteenth century, as it was overvalued by its own devotees."<sup>9</sup>

It produced the great schoolmen. It presented a tremendous advance in intellectual life beyond that of the early middle ages, served as the only education of the higher life for several centuries, but finally degenerated into mere form and had to be cast aside when the Renaissance began its work. It was not a mere matter of schoolroom discipline, but had a political aspect as well. In the long dispute between church and state, "the aid of the schoolmen was sought by both sides. Their battle was second only to that of the princes in its fury, and had larger consequence, in that it broke up that lethargy of mind which had made the schools willing captive of the hierarchy."<sup>10</sup>

#### *Scholasticism in Early Universities*

Scholasticism in turn very largely laid the foundation of the early universities. A great scholastic teacher would naturally draw around him a large circle of eager students. This multitude of learners demanded a multitude of minor teachers to prepare them for the more profound discussions of the master. The essential elements of a university, a body of teachers and a body of students, was thus provided. All that remained to be achieved was not the erection of fine buildings—this is a minor feature of university life on the continent even today—but recognition by proper authority. No one was secure during the middle ages in the enjoyment of anything unless he was protected by guarantees secured from some organization. "Politically, one must owe allegiance to some feudal lord from whom protection was received; economically, one must secure his rights through merchant or craft guild; intellectual interests and educational activities were secured and controlled by the church."<sup>11</sup> Thus the universities, at least in their origin, were dependent, not only for their teachers, not only for a large part of their

8. Monroe, *History of Education*, page 244.

9. Monroe, *op. cit.*, page 292.

10. Cobb, *op. cit.*, page 46.

11. Monroe, *op. cit.*, page 317.

students, but for their very life, on the church.

It will thus be seen that what education there was during the thousand years which elapsed between the fall of the western Roman Empire and the Reformation of the sixteenth century was almost entirely under control of the church. Monasticism, at least in its earlier manifestations, was church life itself, and for a time all but monopolized education. Scholasticism grew out of monasticism, its great teachers being monks; while the earlier universities grew largely out of the popularity of some great scholastic teacher and received their recognition and almost all their teachers from the church. In a word the church had control of almost the entire educational situation throughout the middle ages, the state (which then was only gradually emerging into something like national consequence in England and France) taking practically no interest whatsoever in the matter.

It should not be overlooked, however, that the coming of the scholastics and the founding of the universities signaled a tremendous change. "With the thirteenth century, the intellectual interests and control passed from the monasteries to the schools; from under wholly ecclesiastical influences to one that, while nominally ecclesiastic, was in spirit chiefly secular. The leadership passed from churchmen to doctors, who were preeminently logicians, and hence inclined to rationalism. Intellectual interests, which began by being wholly religious or theological in character, ended by being almost wholly philosophical and logical."<sup>12</sup>

#### *Reform Movements*

The Renaissance opened for the student three great interests almost unknown during the middle ages. The first was the real life of the past—the life of the Greeks and Romans, whose interests had been infinitely varied and who, in consequence, had had a wide knowledge of life

and its possibilities. The second was the world of emotions—the joy of living, the contemplative pleasures and satisfactions of this life, the appreciation of the beautiful; an interest in introspective observation and analysis from the human rather than from the philosophical and religious point of view. The third was that of nature—a realm not only unknown to the people of the middle ages but considered ignoble and debasing in its influence on man.<sup>13</sup>

When Martin Luther took control of the Reformation movement he naturally condemned the monastic education in harsh terms and contended vigorously for greater liberty, stating that it was essential for a young man to be frequently in the society of others, and that he was as much in need of pleasure and recreation as of eating and drinking. According to his conceptions schooling was to be brought to all the people, old and young, noble and common, rich and poor, boys and girls, and finally—and this is an important point—the state was to use compulsion if necessary.<sup>14</sup> Luther thus became the real founder of the American public school system, which incorporates in a remarkable degree the fundamental conceptions which he announced on the subject. His precepts bore fruit in the establishment or continuation of a great variety of schools throughout the portion of Europe which broke away from the Catholic Church.

The part taken by leaders of the reform movement in Switzerland and Scotland (the fathers of the numerous groups of reformed churches) was creditable, though not by any means of such great historical importance as that played by Luther. John Calvin in his later life gave special attention to education and organized a college at Geneva which was little more, however, than a typical humanistic Latin school and was the progenitor of numerous similar schools throughout

13. Monroe, *op. cit.*, pages 353-4.

14. Monroe, *op. cit.*, pages 410-414.

12. Monroe, *op. cit.*, page 327.



Protestant France, which, with the expulsion of the Huguenots, spread throughout Germany. Zwingli fostered humanistic learning, encouraged the formation of elementary schools, and wrote a treatise on "The manner of instructing and bringing up boys in a Christian way." John Knox, the leader of the Scotch reformation, was the chief agent in the establishment of the parish schools of Scotland.<sup>15</sup>

#### *Catholic Reactions*

That these Protestant schools would lead to Catholic reactions was certain. That such reactions would copy methods of the Protestant schools was also natural. "No more conclusive evidence can be cited of the effectiveness of the Protestant schools as a means of reforming social and ecclesiastical evils and of establishing the reformed churches, than the adoption of the same means by the Roman Catholic Church."<sup>16</sup>

The order of the Jesuits was founded by Ignatius of Loyola while Luther was still alive, and at once entered with vigor and success on the task of neutralizing his influence through educational means. For the next two centuries it was to be the chief teaching medium of the church. The stress laid on thoroughness and on oral teaching, the fact that its teaching body was superior to start with and devoted its very life exclusively to the task, gave it an immense advantage over the competing schools. However the complete subjection of the individual to the order, his disappearance before the order, was an entire negation of the principle developed by the Renaissance. Though on the content side their teaching was thoroughly humanistic, they managed so to mold the material that the desired results appeared to be certain. As Macauley observes: "The Jesuits seemed to have found the point up to which intellectual development could be carried

without reaching intellectual independence."<sup>17</sup>

#### *English Development*

The history of England was very similar to that of the continent though Oxford and Cambridge possibly were somewhat in advance of the European universities in the process of secularization. When the Reformation began in Germany the English throne was occupied by a monarch of great ability, Henry VIII, who to start with was so staunchly Catholic that he even wrote a book against Luther which earned him from the pope the title "*defensor fidei*" (defender of the faith) which English sovereigns retain to the present day. His subsequent desire to divorce Katherine of Aragon, however, was resisted by the pope and led him to break with Rome and put himself at the head of the English church. His subsequent matrimonial ventures, and the decapitation of Anne Boleyn and Katherine Howard, two of his subsequent wives, did not tend to heal the breach which had opened up between Rome and London. Private endowments of various schools were made in his days and had been made before he ascended the throne and played an important part in English educational life. When, therefore, the famous statute of Elizabeth concerning charitable uses was enacted, the preamble recited that lands, tenements, rents, annuities, profits, goods, money, had heretofore been given by both the royal house and by other well disposed persons for the maintenance of "schools of learning, free schools, and scholars in universities."<sup>18</sup>

But whatever the development in Europe was subsequent to the days of the Reformation, the schools which resulted did not keep secular and religious subjects apart. Whether such a school was supported by the prince, by endowments, or was dependent on tuition, whether it

15. Monroe, *op. cit.*, page 410.

16. Monroe, *op. cit.*, page 420.

17. Monroe, *op. cit.*, page 429.

18. Zollmann, *American Law of Charities*, page 17.

stressed secular or religious topics, both usually were taught though in various proportions. Of course, theological institutions existed as they exist today which stressed religious culture as much to the exclusion of secular culture as it had ever been stressed during the middle ages. However, the average school, no matter how or by whom conducted or supported, gave both, and colored its secular instruction more or less by its religious tenets. The conception of a school wholly secular, like the public school system is today in America, or wholly religious, such as is the Sunday school system in the United States, was, therefore, entirely strange and unheard of when the various settlements were made in the United States. The only conception which the pilgrims and other settlers carried to America was that of a school giving both secular and religious instruction. Since church establishment remained, whether it was Catholic or Protestant, the dominant influence of the church was felt in nearly all schools. A discussion whether the one or the other predominated would at that time have been regarded as merely academic. The fundamental conception of substantially everybody was that the prosperity of both state and church depended upon a union of both more or less intimate or vital.

#### *Colonial Situation*

When the pilgrims set foot in America they were thoroughly imbued with the teachings of Calvin, which went no further in the separation of church and state than achieving a separate administration of the two bodies codeterminous in membership and territory. The result was the creation of towns and parishes which originally had identical boundaries and inhabitants, the town hall being frequently also the church and the schoolhouse, and the school master being not infrequently the established minister who preached on Sunday. That religion would, under these circumstances, be frequently

stressed almost to the exclusion of secular subjects was natural. Therefore, the town records of Plymouth for 1672 contain this entry: "That their children be instructed in reading when they are entered the Bible, and also that they be taught to write and cipher."<sup>19</sup>

That such conditions could not last as affairs became more complicated is clear. "The complete elimination of sectarian instruction from publicly supported common schools was due to the development of an efficient system of secular schools by the state, the increase in types of religious faith professed by the citizens of Massachusetts, the influence of deistic and Unitarian ideas upon the school system, and indirectly but most decidedly, the sudden increase of the Roman Catholic population."<sup>20</sup>

Says Stewart: "The original settlers or all the American colonies possessed the Old World idea that there was necessarily a vital connection between church and state. The theory of the several colonies regarding the function of civil authority in spiritual affairs was modified so gradually, with the single exception of the protest made by Roger Williams in the founding of Rhode Island, that little attention was drawn to it in the first century and a half of settlement. Religious freedom was slowly achieved in all the colonies as a result of many factors working together. Among these factors were impatience with old restrictions which existed in people who were bent on creating a new society in a new land; the character of the early pioneers, who were in general of the bolder and more adventurous class, dissatisfied with conditions at home; the increased interest in the affairs of government which the colonists showed under new conditions of greater political liberty; the unjust severity with which the civil power handled religious questions on many occasions,

19. Sherman M. Smith, *Religious Education in Massachusetts*, page 25.

20. Smith, *op. cit.*, page 142.



giving rise to resentment and dissent; and the coming in of various sects, which tended to destroy the religious homogeneity of the colonies. Added to these causes, there was much religious indifference from almost the very beginning of the settlement."<sup>21</sup>

### *Growth of Public Schools*

It is impossible in this article even to sketch the process by which religion was gradually excluded from the common schools of the commonwealth. The process is not complete even at the present day, but what remains of the old situation is very little. The work done by Horace Mann in the early decades of the last centuries had a great deal to do with the elimination of religion from the schools, not only of Massachusetts but of the United States as a whole. Starting with the impetus given by him to public school work, the public school system began its glacier-like advance, in the process of which it acquired, with the exception of some private enterprises and the Catholic and Lutheran school systems, a complete monopoly in the field of primary education. With the diversifying of religious beliefs, and under the influence of the constitutional provisions both in the federal and state constitutions regarding religious liberty, the public schools gradually, but with the certainty of fate, divested themselves of all religious elements and are generally devoted today to the dissemination of purely secular information.<sup>22</sup>

### *School Controversy of 1875*

The fact that the Roman Catholic school system was but partly demolished by the public school system raised a question which was destined to enter politics and was to become one of the issues in

the presidential campaign of 1876. Since these Catholic schools proceeded to impart secular education many school districts evolved a plan by which they were given a subsidy from the public treasury due to the fact that they relieved the public schools from a burden which otherwise such public schools would have to bear. This situation was distasteful to many, who feared that the Catholic church was getting too powerful, and who felt that the subsidy, at least indirectly, was a contribution by the state to the upbuilding of the Catholic church. This issue was taken up by the American Protective Association, which arose out of the embers of the Civil War. It was fought out in various journals and finally President Grant in 1875, the centennial year of our national existence, was induced to demand an amendment to the federal constitution forbidding the practice. The constitutional provision was defeated in the senate while the campaign of 1876 was in progress, but the principle advocated was gradually incorporated into the great majority of the state constitutions. Under it today such parochial schools as remain must rely wholly on the support of their own followers.<sup>23</sup>

It is extremely important that the historical development just sketched be kept in mind if the new form of religious day schools which is now coming into prominence is not to meet with unnecessary legal impediments. For these provisions, viewed independently of their historical background, are capable of a construction which would greatly impede, if not check, the growth of the new development. And they have been misconstrued already by various courts. Thus the Supreme Court of the State of Washington has held itself impelled, over its own evident disinclination, to hold that a constitutional prohibition of the appropriation or application of public money or

21. Stewart, George Jr., *A History of Religious Education in Connecticut*, Yale University Press, 1924, pages 8-4.

22. For a short legalistic statement of this process see Zollmann, *Church and School in the American Law*, published by Concordia Publishing House, St. Louis, pages 1-6. See also an article "Historical Background of Religious Day Schools," by Zollmann, published in *Religious Education*, February, 1926.

23. For a more detailed statement of this interesting portion of American history see Zollmann, "Historical Background of Religious Day Schools," *Religious Education*, February, 1926.

property to any religious worship, exercise, or instruction, prevents a school board from granting credits to high school pupils for successfully passing an examination covering the historical, biographical, narrative and literary features of the Bible based upon an outline provided by the board, though no personal instruction is to be given in the school, but is left to the home or church of the students.<sup>24</sup> Similarly the Wisconsin, Nebraska and Illinois courts have held that Bible reading in the public schools is "sectarian instruction" and "public worship" within the meaning of the constitutional amendments adopted to check the practice of granting subsidies to Catholic schools.<sup>25</sup>

#### *Two Recent Supreme Court Decisions*

Two recent decisions of the United States Supreme Court are of extreme importance. In the "Nebraska case" the court declared unconstitutional a statute adopted by Nebraska in the heat of the war passion which forbade the use of any foreign language in any private school, either as a means of instructing children under the eighth grade or as a subject of instruction. In the course of its decision the court said: "In order to submerge the individual and develop ideal citizens Sparta assembled the males at seven into barracks and entrusted their subsequent education and training to official guardians. Although such measures have been deliberately approved by men of great genius, their ideas touching the relation between individual and state were wholly different from those upon which our institutions rest; and it hardly will be

affirmed that any legislature could impose such restrictions upon the people of a state without doing violence to both letter and spirit of the constitution."<sup>26</sup>

This decision was followed by the "Oregon case" in which an attempt sponsored apparently by the Ku Klux Klan to wipe out all parochial and private primary schools in Oregon and give the public schools an absolute monopoly was completely frustrated. The court in the course of its opinion said: "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."<sup>27</sup>

This language is not limited in terms to such parents as choose to send their children to some parochial school. It may well apply to all parents in the land, even those who send their children to a public school. The statement by the court that the state may not standardize its children by forcing them "to accept instruction from public teachers only" seems to fit the part time religious day schools which are now coming into existence. By its decision the court has definitely checked the pretensions for a monopoly which the public school system was making so far as it sought by legislative means to wipe out competing parochial schools. It has drawn the line vertically between public and private schools. Is it too much to hope that it will follow out this decision if given an opportunity by drawing the line horizontally in connection with schools which seek to co-operate rather than compete with the public school system? Is it not entirely reasonable to expect that it will

24. *State ex. rel. Dearle v. Frazier*, 102 Wash. 369, 178 Pac. 35, 1 L. R. A. 1918 F. 1056.

25. 1890 *State ex. rel. Weiss v. Edgerton School District*, 76 Wis. 177, 44 N. W. 967; 7 L. R. A. 320, 20 Am. St. Rep. 41; 1910 *People v. Board of Education*, 245 Ill. 334, 92 N. E. 251; 1902 *State ex. rel. Freeman v. Schwebe*, 65 Neb. 953, 93 N. W. 169; 59 L. R. A. 927. In the Wisconsin case one judge even held that by such reading such public schools are converted into "theological seminaries" within the meaning of the constitution. An attempt to reduce this contention to an absurdity would be like carrying coal to Newcastle. For a discussion of this matter see Zollmann, *American Civil Church Law*, pages 31-32.

26. *Meyer v. Nebraska*, 262 U. S. 390, 401, 67 L. Ed. 1042, 43 S. Ct. 625; 29 A. L. R. 1446.

27. *Pierce v. Society of Sisters*, 17 L. Ed. 668, 268 U. S. 510, 585.

hold that a state cannot by a compulsory education law exclude its public school children from part time religious day schools? The purpose of compulsory education acts is to obtain for the children of the country the fullest amount of a well-rounded education. That also in the fullest measure is the purpose of religious day schools. Both systems of schools, each within its own particular sphere of action, aim to accomplish the same purpose. The religious day schools merely aim to take over that part of the education of the child which the public school system cannot perform in this country. To limit a child to the public schools is to limit its education—a purpose inherently at war with the underlying policy of compulsory education acts. Certainly, a favorable decision by the Supreme Court would be a charter of liberty, a veritable *Magna Charta*, for the week-day school movement. It would clear away every legal obstacle which under state constitutions and state decisions now obstructs its progress. It would make entirely unnecessary any tinkering with state constitutions and statutes. Even an unfavorable decision would clear the atmosphere and show the necessity for vigorous local action. In view of the tremendous advantage to be gained by a favorable decision, and even in view of the advantage that would result from an unfavorable decision, a speedy appeal to the United States Supreme Court of a case or cases properly shaped to embody the essential features would seem to be in order.

#### *Bible in Public Schools*

The situation most closely analogous to the relationship between the public schools and the new part time religious day schools arises in connection with the question of Bible reading in the public schools. To understand this matter, the historical background must not be overlooked. Our public schools have developed very largely from the scattered

schools which at one time existed in connection with the various established churches, and from schools founded by religious devotees as charitable institutions. In view of this history it is not surprising that prayers were recited, religious hymns sung, and the Bible read in such schools. This custom has not only prevailed quite generally in the public schools, particularly of the older states, but prevails to some extent today and has gone unchallenged in most instances. So well is the practice recognized that the constitution of Mississippi provides that its religious freedom provision shall not be construed "to exclude the Holy Bible from use in any public school of this State."<sup>28</sup> As a part of the stringent resolution for an amendment of the United States Constitution, which was the result of the school agitation of 1875, and which was defeated by the Senate on August 14, 1876, it was expressly declared that such provision "shall not be construed to prohibit the reading of the Bible in any school or institution."<sup>29</sup>

The value of Bible instruction has also been recognized by a federal statute enacted in 1888, which provides that at day or industrial schools, sustained wholly or in part by appropriations from the government, at which schools church organizations are assisting in the educational work, "the Christian Bible may be taught in the native language of the Indians, if in the judgment of the persons in charge of the schools it may be deemed conducive to the moral welfare and instruction of the pupils in such schools."<sup>30</sup> Similarly it has been held in Massachusetts that a requirement that pupils learn the ten commandments and repeat them once a week is no infringement of their religious liberty.<sup>31</sup>

A resolution of school authorities proscribing the reading of the Bible in the

28. Mississippi (1890), Art. 3, Sec. 18.

29. *Congressional Record*, Vol. 4, Part 6, page 5453.

30. 25 U. S. Statutes at Large, 239.

31. *Commonwealth v. Cooke*, 7 Am. Law Reg. 417 (Mass.).

public schools has been sustained in Ohio.<sup>32</sup> Such reading has been proscribed in Louisiana on the complaint of Jews and Catholics as being a preference toward some and a discrimination against other religions.<sup>33</sup> It has been held in Wisconsin, Nebraska, and Illinois that such reading is "sectarian instruction" and "public worship," and as such is forbidden by the constitutions of those States.<sup>34</sup> In the Nebraska case, however, the court, on rehearing, eliminates the contention that Bible-reading is an act of public worship. In the Wisconsin case one of the judges even went so far as to hold that by such reading the common schools are converted into "theological seminaries."<sup>35</sup> The Illinois court, though its previous decisions seemed to point to a recognition of Bible-reading in the public schools,<sup>36</sup> has excluded the Bible entirely, while the Nebraska and Wisconsin courts bar it only so far as it is sectarian, and not so far as it teaches "the fundamental principle of moral ethics." They have, however, not laid down any definite tests as to just where moral instruction ends and sectarian instruction begins, leaving school boards who should attempt to authorize Bible-reading in the schools in a difficult and embarrassing position.

In all the other states in which the question has been raised the practice has been upheld. In some of these states the constitutional provisions are different, and this may explain the difference in the result.<sup>37</sup> In others, however, they are

substantially the same as in Wisconsin, Nebraska, and Illinois; but the courts take a different view of their meaning.<sup>38</sup> The key to these latter decisions is given in a Texas case, where the court says that "Christianity is so interwoven with the web and woof of the state government that to sustain the contention that the constitution prohibits reading the Bible, offering prayers, and singing songs of a religious character in any public building of the government would produce a condition bordering upon moral anarchy," and "starve the moral and spiritual natures of the many out of deference to the few."<sup>39</sup> The position of the Illinois court, and to a less extent that of the Wisconsin and Nebraska courts, is probably well expressed in the following extract from an Ohio case: To teach the doctrines of infidelity, and thereby teach that Christianity is false is one thing; and to give no instructions on the subject is quite another thing. The only fair and impartial method, where serious objection is made, is to let each sect give its own instructions elsewhere than in the state schools, where of necessity all are to meet.<sup>40</sup> There can be no question but that historically the position taken by the Wisconsin, Nebraska and Illinois courts is wrong, whatever its merits otherwise might be.

A number of specific instances where church and school have made contact in the past will serve as a basis on which to make forecasts as to what may be expected from the courts hereafter. Public school buildings have been used for

32. 1900 *Board of Education v. Paul*, 7 Ohio N. P. 58, 10 Ohio S. and C. P., Dec. 17; 1872 *Board of Education v. Minor*, 23 Ohio St. 211, 13 Am. Rep. 283.

33. 1915 *Herold v. Parish Board of School Directors*, 136 La. 1034, 68 So. 116; L. R. A. 1915 D., 941.

34. 1890 *State ex rel Weiss v. Edgerton School District*, 76 Wis. 177, 44 N. W. 967; 7 L. R. A. 330; 30 Am. St. Rep. 41; 1910 *People v. Board of Education*, 245 Ill. 334, 92 N. E. 251; 1902 *State ex rel Freeman v. Schewe*, 65 Neb. 858, 91 N. W. 169; 59 L. R. A., 927. These decisions are clearly a misconception of the constitutional provisions involved. For the general history of these provisions see page 212 of this article.

35. 1890 *State ex rel Weiss v. Edgerton School Board*, *Supra*.

36. 1879 *Nichols v. School Directors*, 93 Ill. 61, 34 Am. Rep. 160; 1880 *McCormick v. Burt*, 95 Ill. 268, 35 Am. Rep. 168; 1891 *North v. University of Illinois*, 137 Ill. 296, 27 N. E. 54.

37. 1854 *Donahue v. Richards*, 38 Me. 379, 61 Am. Dec. 256; 1866 *Spiller v. Woburn*, 94 Mass. 127, 1894 *Nestle v. Hus*, 1 N. P. 140, 2 Ohio, Dec. 60.

38. 1898 *Pfeiffer v. Detroit Board of Education*, 118 Mich. 560, 77 N. W. 250; 42 L. R. A. 536; 1884 *Moore v. Monroe*, 64 Iowa 367, 20 N. W. 475; 52 Am. Rep. 444; 1907 *Church v. Bullock*, 100 S. W. 1025; 109 S. W. 115; 16 L. R. A. 860 (Tex.); 1904 *Billard v. Tappan Board of Education*, 69 Kans. 53, 76 Pac. 422; 66 L. R. A. 166; 105 Am. St. Rep. 148; 1905 *Hackett v. Brookville Graded School District*, 100 Ky. 608, 87 S. W. 792; 69 L. R. A. 592; 117 Am. St. Rep. 599. See notes in 16 L. R. A. (N. S.) 860, and 2 Ann. Cas. 522.

39. 1907 *Church v. Bullock*, *supra*, at end of opinion.

40. 1872 *Board of Education v. Minor*, 23 Ohio St. 211, 252. See also 1859 *Commonwealth ex rel Wall v. Cooke*, 7 Am. L. Reg. 417 (Mass.); 1885 *Hart v. School District*, 2 Land. L. Rev. 346 (Pa.).

church services and church property has been leased to the public school authorities. Nuns employed as public school teachers have worn their religious garb during school hours and the school authorities have been confronted by the question whether pupils *must* be excused from public schools on purely religious holidays. These situations will now be considered.

#### *Use of Public School for Church Services*

In our early history town halls were frequently used not only for town meetings but for such other public purposes as religious services, school teaching and political gatherings. This situation is frequently reproduced today in districts where the public school house is the only available auditorium and hence is used for plays, lectures, concerts, dances and for lodge, business, religious and political meetings. That such buildings have been used for these purposes in vacation time, on Sundays and after school hours in the evening is cause for no surprise.<sup>41</sup> Says the Kansas court: "We are fully aware of the fact, that all over the state the schoolhouse is, by general consent, or at least without active opposition, used for a variety of purposes other than the holding of public schools. Sabbath schools of separate religious denominations, church assemblies, sometimes political meetings, social gatherings, etc., are held there."<sup>42</sup>

So well is this custom established that the South Carolina court in overruling the contention that a clause in a deed which limits the use of the land to "the purpose of erecting and maintaining a public school" absolutely prevents religious exercises in the building says: "Courts in a Christian land cannot be supposed to take judicial notice that holding a preaching service in a schoolhouse when not required for a public school purpose is a breach of the condition, if

indeed there be a condition in the deed."<sup>43</sup>

Of course, the use of a school building society, though they may have worshipped for such purposes is a matter of favor, not of right. The members of a religious in the house for years, are not joint owners of it, have no vested right in it, but have at most a license and may therefore be enjoined from forcibly entering the building after the school board has revoked the license.<sup>44</sup> Says the Indiana Appellate Court: "Primarily, public school buildings are erected, equipped, and maintained out of public funds for the education of the youth of the state. Such funds are raised by a system of taxation provided by the Legislature. There is no inherent right in any citizen or in any religious or political organization to use public school buildings for any other purposes than those devoted to the public schools."<sup>45</sup>

Whether a religious society is to obtain such a privilege is generally a matter for the decision of the voters or officers of the district. If they decide against it, their decision will be final and will not be reviewed by mandamus.<sup>46</sup> This is so even *N. W. 761*.

though the building was in part built with funds contributed under an understanding that its use for public services was to be permitted,<sup>47</sup> or under a statute which in terms grants such use "when unoccupied for common school purposes" and the proposed use is on Sundays and on evenings during the school term.<sup>48</sup> Where the statute makes such use dependent on the desire of a majority of the voters a complaint must allege that such majority had not expressed such a desire.<sup>49</sup>

Other courts, however, have reached

43. 1921 *Harmon v. Driggers* 116 S. C. 233, 107 S. E. 923.

44. 1909 *School Directors v. Toll*, 149 Ill. App. 511.

45. 1905 *Baggerly v. Lee*, 37 Ind. App. 139, 73 N. E. 921, 922.

46. 1898 *Eckhardt v. Darby*, 118 Mich. 199, 76 N. E. 202.

47. 1909 *Boyd v. Mitchell*, 60 Ark. 202, 62 S. W. 61.

48. 1905 *Baggerly v. Lee*, 37 Ind. App. 139, 73 N. E. 931. This is on the theory that a school house during the school term is occupied even when no school is actually in progress.

49. 1874 *Hurd v. Walters*, 48 Ind. 148.

41. 1856 *Sheldon v. Center School District*, 25 Conn. 224.

42. 1875 *Spencer v. Joint School District*, 15 Kans. 269, 22 Am. Rep. 268, 270.



the conclusion that the directors have no authority to permit the use of the school property for religious meetings,<sup>50</sup> even though the voters have sanctioned it. This determination is based on the theory that corporations have only such powers as are by law conferred on them,<sup>51</sup> and that their officers can make only such contracts as are necessary to effectuate their purpose and that great abuses and disagreeable altercations between the various denominations may flow from such a permission.<sup>52</sup>

50. 1878 *Dorton v. Hearn*, 67 Mo. 301.

The question whether a public school house may be built with a view of making provision for its use for religious purposes has been discussed in Vermont. Says the court: "If the hall was designed to accommodate the schools and the inhabitants of the district for the purpose of examinations and exhibitions and other such things as are proper and customary in connection with district schools, and it was adopted in that view, the purpose was legitimate and within the province of the district to carry out by making the hall. On the other hand, if the view and purpose were not such, but the design was, to use the occasion of building a school house as a pretext for making a public hall for town meetings, religious meetings, lectures, concerts, dances, picnics, and other uses to which such halls are ordinarily put, then the district was doing what it had no lawful authority to do. If again, the hall was designed and adapted to serve the interests of the district in respect to its schools, the making of the hall would not be rendered illegal, if, when not wanted for school purposes, the district should permit it to be used for other purposes, having no relation to the schools. While it would not be lawful for the district to make lofts, or rooms, for the mere purpose of realizing profit by renting for pay, it would not be un-

lawful for the district to receive pay and profit for the use of rooms legitimately made for school purposes, when not in use for these purposes, and when they may be used for other purposes without detriment to the district in respect to its schools. We can readily conceive that the prospect of being able to derive income from such outside use of a hall, like the one in question, which may be really needed for the occasional occupation of the schools, may properly operate as an influence upon the district in forming the determination to build one. While, but for such prospect, the district might feel too poor to make the outlay, still with such prospect, it may regard it judicious to do so, and thus provide a desirable appendage to the school house for the service of the interests of the schools, which otherwise the district would feel compelled to forego."<sup>53</sup>

It remains to consider the constitutional hurdles which must be cleared. Two types of constitutional provisions present themselves. One lays it down that no man shall be compelled to erect or support any place of worship against his consent.<sup>54</sup> The history of another very common provision which forbids the appropriation of public funds to sectarian purposes has already been outlined in this chapter. These two provisions have been used as battering rams in attacking the practice of allowing church meetings in public school rooms.

Some courts, indeed, have, in total disregard of the historical background and the evil against which these provisions are aimed, inclined toward the position that they interdict the use of school property for religious purposes. Says the Pennsylvania court: "If the school buildings may be used for meetings for the convenience, pleasure, or instruction of the general public, all other school property may with equal propriety be so used, and

50. 1900 *Spring v. School Directors*, 31 Pittsburg L. J. (N. S.) 194 (Pa.) citing 1894 *Hyson v. School District*, 164 Pa. 629, 30 Atl. 482 and 1875 *Bender v. Streabish*, 182 Pa. 251, 37 Atl. 858.

51. 1858 *Scofield v. Eighth School District*, 27 Conn. 499.

53. 1870 *Greenbanks v. Boutwell*, 43 Vt. 207, 217, 218. See 1875 *Spencer v. Joint School District*, 15 Kans. 259, 22 Am. Rep. 268, 271.

54. 1905 *Baggerly v. Lee*, 37 Ind. App. 139, 73 N. E. 921, 923.

it would be but a step further to apply a part of the school funds to the same use."<sup>55</sup> And the Kansas court states: "Taxation will not lie to raise funds to build a place for a religious society, a political society, or a social club. What cannot be done directly, cannot be done indirectly. As you may not levy taxes to build a church, no more may you levy taxes to build a schoolhouse and then lease it for a church."<sup>56</sup>

However the weight of authority is in the reverse direction. Says the Nebraska court: "If the relators had shown that the schoolhouse had been used for religious meetings to such an extent as to make it a place of worship, or that they had been compelled to pay anything for the erection, the support, or the repairs of the building for that purpose, we might hold that they were entitled to the relief prayed for."<sup>57</sup> The Illinois court argues that a provision authorizing the legislature to exempt church property indirectly imposes upon the taxpayer a burden of increased taxation and thus the indirect support of places of worship and is, therefore, more obnoxious to objection than the permission given by school directors to hold religious meetings in school houses.<sup>58</sup> The Iowa court, after declaring that the propriety of such use "ought not to be questioned in a Christian State,"<sup>59</sup> says: "The use of a public school building for Sabbath . . . schools, religious meetings . . . which, of necessity, must be occasional and temporary, is not so palpably a violation of the fundamental law as to justify the courts in interfering. Especially is this so where, as in the case at bar, abundant provision is made for securing any damages which the taxpayers may suffer by reason of the use of the house for the purposes named.

With such precaution the amount of taxes any one would be compelled to pay by reason of such use would never amount to any appreciable sum. . . . Such occasional use does not convert the schoolhouse into a building of worship within the meaning of the constitution. The same reasoning would make our halls of legislation places of worship because in them, each morning, prayers are offered by chaplains."<sup>60</sup>

#### *Church Property Leased to Public School*

Whether an arrangement by which part of the facilities of a church or denominational school are leased to the public school authorities is valid depends upon circumstances. That such an arrangement, no matter how honestly made, is dangerous to religious liberty where it is long continued and is with a sectarian school, which does not cease to operate, cannot admit of any doubt, and has therefore received the condemnation of the Kentucky, Iowa, and North Dakota Courts.<sup>61</sup> An entirely different situation is presented where the arrangement is but temporary, in order to fill a need which cannot otherwise be supplied. Says the Iowa court: "It cannot be doubted that the directors of a school district may, in a proper case, or when the public school-house is out of repair, or insufficient, and in other cases when the best interest of the school would be subserved thereby, cause the school to be taught in a rented house instead of the public school building."<sup>62</sup> No reason is perceived why school authorities cannot rent a vacant building which has been built for parochial school purposes. No valid grounds appear to exist why they may not similarly rent a church-building for school purposes. No discrimination

60. — *Davis v. Boget*, 50 Iowa 11, 15, 16. See Notes 83 Ann. Cas. 203, 31 L. R. A. (N. S.) 593; L. R. A. 1917 D. 462.

61. 1917 *Williams v. Stanton Common School District*, 173 Ky. 708, 191 S. W. 507; L. R. A. 1917 D. 453; withdrawing on rehearing, 172 Ky. 133, 183 S. W. 1058. 1918 *Knoxton v. Baumkover*, 129 Iowa 691, 166 N. W. 202; 5 A. L. R. 841, 858, 1917 *Pronovost v. Brunette*, 36 N. D. 283, 162 N. W. 300; 1917 D. 462.

62. 1882 *Scripture v. Burns*, 59 Iowa 70, 12 N. W. 760.

55. 1897 *Bender v. Streabish*, 182 Pa. 251, 37 Atl. 858.

56. 1875 *Spencer v. Joint School District*, 15 Kans. 259, 22 Am. Rep. 268, 271.

57. 1914 *State v. Dilley*, 95 Neb. 527, 145 N. W. 999, 1000.

58. 1879 *Nichols v. School Directors*, 93 Ill. 61, 64, 34 Am. Rep. 160.

59. 1873 *Townsend v. Hagen*, 35 Iowa 194, 198.



should be made between such property and property used for commercial purposes. The renting of a church basement for public school purposes,<sup>63</sup> or of its auditorium for the graduation exercises of a public school,<sup>64</sup> and even an advancement of money by a school district to a church in order to enable it to complete its building in time for the use of the school,<sup>65</sup> have, therefore, been upheld by various courts. The Wisconsin court has even held that rooms in a parochial school-building may be rented for public school purposes.<sup>66</sup> Says the Illinois Appellate Court: "Religious organizations are not under such legal bans that they may not deal at arm's length with the public in selling or leasing their property, when required for public use, in good faith."<sup>67</sup>

#### *Religious Garbs in Public Schools*

It is no objection to public school teachers that they are adherents of any particular denomination.<sup>68</sup> Nor is it an objection to them that they make open profession of their faith at all proper occasions. Whether, however, such profession may take the form of the wearing in the public school-buildings of distinctly religious garbs by them, and the display of rosaries and crucifixes, is a far closer question. The Pennsylvania Supreme Court in 1894 upheld such a practice, over the dissent of one of its members, remarking that, "in a popular government by the majority, public institutions will be tinged, more or less, by the religious proclivities of the majority."<sup>69</sup> This decision proved to be so unpopular that re-

course was had to the legislature, which in 1895 passed an act to prevent such practice. The constitutionality of this law has been upheld by the court on the ground that it is directed against acts, and does not interfere with religious sentiment.<sup>70</sup> In 1906 the same question came before the New York Court of Appeals, which held that a regulation by the state superintendent forbidding such practice is reasonable and proper on the ground that the wearing of such costumes necessarily inspires respect, if not sympathy, for the religious denomination which has adopted them.<sup>71</sup>

#### *Church Regulations Conflicting with Public School*

Occasionally school- and church-regulations concerning the conduct of children at certain occasions come into conflict, thus presenting to the children the choice of obeying the will of the state, as crystallized in the school-regulations, or the will of their parents, as expressed by the church-regulations. The Vermont Court has upheld school authorities in excluding Catholic children from the public schools because they had absented themselves in accordance with their church-requirements from such schools on Corpus Christi Day.<sup>72</sup> This decision is correct. Any other holding would enable churches to gain a considerable control over the action of the public school. If the religious convictions of parents are such that they cannot accommodate themselves to the school-regulations, they are at liberty to found and maintain parochial

63. 1886 *Millard v. Board of Education*, 19 Ill. App. 48, affirmed 121 Ill. 297, 10 N. E. 669.

64. 1916 *State v. District Board of Joint School District No. 6*, 162 Wis. 482, 156 N. W. 477; L. R. A. 1916 D. 399, *dun. cas.* 1918 C. 584.

65. 1897 *Steadley v. Haynes*, 41 S. W. 1066, 1069 (Tenn.).

66. 1903 *Dorner v. School District No. 5*, 137 Wis. 147, 118 N. W. 353; 19 L. R. A. (N. S.) 171.

67. 1886 *Millard v. Board of Education*, 19 Ill. App. 48, 54, affirmed 121 Ill. 297, 10 N. E. 669. See 1864 *Perry v. McEwen*, 29 Ind. 440, and Note L. R. A. 1917 D. 462.

68. 1887 *Millard v. Board of Education*, 121 Ill. 297, 10 N. E. 669.

69. 1894 *Hysong v. School District*, 164 Pa. 629, 656; 26 L. R. A. 203, 30 Atl. 482; 44 Am. St. Rep. 634.

70. 1909 *Commonwealth v. Herr*, 39 Pa. Super Ct. 454, affirmed, designating the opinion as "characteristically well considered," 223 Pa. 132, 78 Atl. 68; Ann. Cas. 1912 A. 422. See Note 42 L. R. A. (N. S.) 33.

71. 1906 *O'Connor v. Hendrick*, 184 N. Y. 421, 77 N. E. 612; 7 L. R. A. (N. S.), 402. See also 1918 *Knowlton v. Baumhover*, 182 Iowa 691, 166 N. W. 202; 5 A. L. R. 841, 353 a case where a public school was transmuted into a Roman Catholic parochial school conducted by sisters wearing their religious garb. Compare 1902 *Sargent v. Board of Education*, 79 N. Y. Supp. 217, 76 App. Div. 588, affirming 71 N. Y. Supp. 954, 35 Misc. 321 where an orphan asylum giving public school instruction was in question. A Nebraska statute makes it a misdemeanor for a teacher to wear her religious garb in a public school.

72. *Ferriur v. Tyler*, 48 Vt. 444. See 19 Can. L. J. (N. S.) 300.

schools, and conduct them in accordance with their church-regulations.

The decisions just reviewed make it clear that modern education is primarily economic and only incidentally religious. This is but natural, since the modern state itself is primarily economic and questions of religion, language and even nationality, powerful though these influences are, as many a politician can testify to, are secondary and incidental. The modern system of education, therefore, presents a complete contrast with the education in vogue during the middle ages. Education then was under the jurisdiction of the church, now it is under the domination of the state. Its purpose then was to fit its pupils for the next world; now the purpose is to fit them for this world. However, moral concepts, which religion alone can impart, are being recognized more and more by leading educators as an essential part of the education of the youth of the land even for this world. Since the state is forbidden by constitutional mandates and by other vital considerations from imparting any one religious view, and since any religious instruction which attempts to avoid all controverted matters between various church bodies inevitably sinks down to a mere set of very thin moral conceptions, which are nearly worthless as a guide, it behooves the various churches to fill the gap which the state cannot fill.

#### *Exemption from Taxation Early History*

When the thirteen colonies were founded, church and state separation was hardly thought of. In the minds of the colonists, both were to be supported, and were in fact supported, through the same agencies. In other words, the church was established, and the church building was as much a public building as are court houses, city halls and town meeting houses today. Taxation of church property would, therefore, have been an idle gesture. An attempt to tax them would have merely

increased the bookkeeping difficulties without decreasing in the slightest the burden of taxation resting on the ordinary citizen. So long as towns "exercised parochial functions, and raised taxes for supporting and maintaining houses of public worship, those places of worship were exempt from taxation as public property by the nature of things, and not by the constitution or by statute."<sup>73</sup>

When dissenting churches began to grow up alongside of the established church, their essentially private character was not at first recognized. Not only were they not taxed, but they actually, after the first enmity toward them had worn away, were made the recipients of money raised by taxation. Since every inhabitant of the colony was supposed to attend some church and to pay taxes for its support, money flowed into the treasuries of parishes which it was felt to be unjust to retain, since it was paid by adherents of dissenting churches. Arrangements were, therefore, made by which this money was turned over to these dissenting churches, provided they came up to a certain standard, and provided the taxpayer had filed a certain statutory notice with the parish clerk. In course of time this arrangement was relaxed to such an extent that the taxes were allowed to be paid to the dissenting church body direct. From this condition of affairs it was but a short step to complete religious liberty. It is obvious, however, that so long as church societies were the recipients of money raised by taxation there was a strong reason why they should be exempt from taxation.

Nor did the custom which had thus grown up of exempting church property from taxation cease when the church was disestablished and full religious liberty was achieved. The practice of exempting them was universally considered to be proper and was "so entirely in accord with the public sentiment, that it uni-

<sup>73</sup> *Franklin Street Society v. Manchester*, 60 N. H. 342, 349.

versally prevailed."<sup>74</sup> No need of exemption laws was, therefore, felt in Massachusetts until 1837, in New Hampshire until 1842, and in New Jersey until 1851. Then, however, the people woke up to the fact that the exemptions given to church property rested on a custom the reason for which had disappeared. A more solid foundation for this custom had to be found. The attacks made by those who were adverse to churches against the custom were unanswerable. An appeal was, therefore, made to the legislatures which, obeying "the almost universal, innate promptings of the human heart,"<sup>75</sup> promptly passed such exemption statutes as were demanded by public opinion.

#### *Constitutional Provisions*

Nor were statutes alone deemed sufficient, for statutes may be declared unconstitutional. A constitutional provision alone could definitely take the matter out of all dispute. No such provision can be found in the earlier constitutions. In fact, among the constitutions which are in force today, ten, adopted between 1780 and 1867, are still entirely silent on this matter. In these states the statutes passed by the respective legislatures are the only foundation on which the practice rests today. In all the other thirty-eight states, however, the question has been put at rest by constitutional provisions or amendments. Of these states, thirteen, by constitutions adopted between 1859 and 1911, have exempted certain enumerated property by self-executing provisions which either exempt certain property in express terms or prohibit the legislature from taxing it, or, in addition to exempting it, confer upon the legislature the power to supersede the exemptions thus granted. The constitutions of the remaining twenty-five states merely recognize and limit to a greater or less extent the legislative power to pass exemption statutes but

do not *per se* attempt actually to exempt any property. While three of these twenty-five constitutions, adopted between 1857 and 1889, require that the legislature "shall by general law" exempt from taxation certain enumerated property, thirteen others, adopted between 1851 and 1910, confer upon that body a greater discretion by providing that it "may" exempt such property. In four other constitutions of recent date the sole limitation imposed on the legislative discretion is the requirement (contained also in a good many of the constitutions already referred to) that exemptions are to be granted only by general laws. Of the five remaining states, four by constitutions adopted between 1851 and 1885 merely recognize the power of the legislature to pass exemption statutes by providing that all property shall be taxed except such "as may be exempted (or specially exempted), by law," while the other constitution, adopted in 1850, approaches the difficulty from the opposite direction by providing that taxes shall be levied on such property as shall be prescribed by law.

Of these two general classes of constitutional provisions, the self-executing provisions offer no difficulty whatever. They are as complete in themselves as any statute can be. They can, therefore, stand alone and will *per se*, without any action by anyone, exempt from taxation such property as they cover. In the absence of a provision giving the legislature power to supersede them, they are beyond the ability of that body to add or detract. They stand like a rock in the surging waters of legislative moods. They stand until they are abolished by the same power that put them into the constitution. They are, in other words, the law definitely laid down by the highest law-making power known to our system of government.

Entirely different principles apply to those constitutional provisions which are not self-executing. Such provisions are

74. *State v. Jersey City*, 24 N. J. L. (4 Zab.) 108, 190.

75. *Howell v. Philadelphia*, 1 Leg. Gaz. R. 242, 8 Phila. 280 (Pa.).

powers of attorney to the legislature rather than laws. They merely authorize the legislature to act within certain limits but, with the exception of those which require that the legislature "shall" pass such laws, leave it in the discretion of that body whether it is to act in whole, or part, or at all. Within the limits thus outlined by the enumeration of the constitution the legislature, therefore, is free to act as it may deem "it just and consistent with the higher claim of the government."<sup>76</sup> The extent and the manner of the encouragement to be held out to religious associations, by exempting their property from taxation as well as the classification and description of such property will, under such constitutions, be confided to the wisdom and discretion of the legislature. It may exercise this power "to the full extent, or in part, or decline to exempt at all. It can exempt one kind of property held for such purposes, either realty or personalty, and tax other kinds. It can exempt partially, as for instance up to a certain value, and tax all above it. It can exempt the property held for one or more of these purposes, and tax that held for others."<sup>77</sup>

#### *Exemption Without Constitutional Authority*

The power of a legislature to exempt church property in states whose constitution is silent on this matter must be traced back to immemorial usage. There has probably never been a general tax law without exemptions. Of the classes that have enjoyed exemption none have been more meritorious—and many have been less so—than churches. When the constitutions which are silent on this matter were adopted it was and remained a recognized practice to exempt church property from taxation. That this produced a shifting of the burden of taxation is clear beyond cavil. "It does not require profound reflection to reach the

conclusion that whatever deficit there is in the fiscal budget due the state for any given year, by reason of exemptions of property which would otherwise be required to contribute to the common weal, is cast as an additional burden upon the other taxpayers; and it results, therefore, that every exemption is indirectly an additional tax upon the property owners not enjoying a like benefaction."<sup>78</sup>

That a bestowal of such favors indirectly by an exemption from taxation instead of directly by a gift from the state is unsatisfactory, and that its result may be that valuable privileges are enjoyed without gratitude and regarded by others with envy and dissatisfaction, is also true. Whatever, however, the principle of the matter and the rights of the state, the habit of not taxing such property is inveterate. The Illinois court has, therefore, said that religion and religious worship have not been "so placed under the ban of the constitution that they may not be allowed to become the recipient of any incidental benefit whatsoever from the public bodies or authorities of the state."<sup>79</sup>

While the New Hampshire and Indiana courts have thrown doubt upon the constitutionality of exemption laws in the absence of a constitutional provision authorizing them, the Georgia court has strenuously argued that an exemption of church property is not in conflict with a constitutional provision which prohibits money to be taken from the public treasury "in aid of any church, sect or denomination," saying: "The manifest object of the provision was to prevent any appropriation or subsidy that might look even remotely to the establishment of a state religion, and thereby prevent the full enjoyment of that freedom of worship secured by the same instrument to every inhabitant of the state."<sup>80</sup>

78. *Commonwealth v. Thomas*, 119 Ky. 208, 212, 83 S. W. 572; 6 L. R. A. (N. S.) 320.

79. *Nichols v. School Directors*, 93 Ill. 61, 64.

80. *First M. E. Church South v. Atlanta*, 70 Ga. 181, 196.

76. *Matlock v. Jones*, 2 Disney 2, 5 (Ohio).

77. *United Brethren v. Forsyth County*, 115 N. C. 489, 493, 20 S. E. 626.

In the only case in which the matter appears to have come up squarely, the contention that such an exemption is in conflict with a constitutional provision providing that no person shall be compelled to "pay tithes, taxes or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry" has been denied, the court saying that such exemption was not included in the words of the constitution.<sup>81</sup>

#### *General Reasoning*

It is quite clear indeed that it is easier to support the practice of exempting churches from taxation by authority than it is to support it on principle. It is easier to admire the motive which prompted it than to justify it by any sound reasoning. While charity and education may be said to be established in the policy of the state, an establishment of religion is expressly prohibited both by the federal constitution and by most if not all the state constitutions. The strictly religious features of church societies can, therefore, furnish no valid reason for this exemption. The only rational ground remaining on which it can be justified is the benefit accruing to the state through the influence exerted by the various churches on their members. The religious and moral culture afforded by them is deemed to be beneficial to the public, necessary to the advancement of civilization and the promotion of the welfare of society. This is so even though the benefits received are of necessity a variable quantity, high in many cases, low in others, and in some instances even entirely absent. Says the Georgia court: "The duties enjoined by religious bodies and the enforcement by them of the obligations arising therefrom, though beyond the power or scope of the civil government, such as benevolence, charity, generosity, love of our fellow men, deference to rank, to age and sex, tenderness

to the young, active sympathy to those in trouble or distress, beneficence to the destitute and poor, and all those comely virtues and amiable qualities which clothe life 'in decent drapery' and impart a charm to existence, constitute not only the 'cheap defense of nations' for furnish a sure basis on which the fabric of civil society can rest, and without which it could not endure."<sup>82</sup> The moral influence exerted by these bodies over their adherents, like the charity administered and the education imparted by private charitable and educational institutions, is the theoretical reason why church bodies are exempted from taxation. "Exemptions are granted on the hypothesis that the association or organization is of benefit to society, that it promotes the social and moral welfare, and, to some extent, is bearing burdens that would otherwise be imposed upon the public to be met by general taxation."<sup>83</sup>

The question of the construction of these exemption provisions, whether strict or liberal, and the results achieved in regard to the various types of church properties, as well as the exact limits which are assigned to such exemption, is very interesting, but is clearly beyond the scope of the present article.<sup>84</sup>

That changes are bound to come would seem to be inevitable. As long as fifty years ago President Grant, in his last message to congress, touched upon this point and urged that the exemptions be removed. Infidel societies have, for many years, protested against the practice. Many churchmen themselves recognize that their churches are enjoying indirect support from the government which is in conflict with the spirit if not the letter of their state constitution. On the other

82. *First M. E. Church South v. Atlanta*, 76 Ga. 181, 192.

83. *Y. M. C. A. of Omaha v. Douglas County*, 60 Neb. 642, 646, 83 N. W. 924; 52 L. R. A. 123.

84. Those interested in this question will find material for their investigations in Zollmann, *American Civil Church Law*, pages 226 to 284, from which source most of what has just been said has been taken. See also Zollmann, *American Law of Charities*, pages 456-535, where tax exemptions concerning properties of charitable organizations, excluding churches but including schools, is treated at length.

81. *Griswold College v. State*, 46 Iowa 275, 26 Am. Rep. 138.



hand, congregations have erected fine buildings on the faith that such buildings would not be subjected to taxation and the necessary financial arrangements have been made with exemption as a basis. A sudden change undoubtedly would work great hardship.

#### *Summary*

From the time of Constantine to the dawn of the Renaissance, education in Europe was in the hands of the church. The state, in the welter of conflicting ambitions of more or less powerful kings and other titled persons, was either non-existent or quiescent. The control of the church, however, perceptibly weakened as the sixteenth century approached. The rise of scholasticism elevated individuals to high rank and led to the founding of universities. These in turn, tended to break the strings which tied them to the church. The Renaissance itself injected new ideas into the situation, and led to the founding of new institutions unlike any that had gone before. The great reformers utilized education to promote their own purposes, one of them, Martin Luther, virtually becoming the father of the present public school system. The Catholic Church naturally reacted, and the founding of the order of the Jesuits resulted!

The development in England was substantially similar to that of the continent, the personality and domestic adventures of Henry VIII being very influential in shaping the course of history. The result, when the Pilgrims set sail for America, was a school system in which both secular and religious instruction was given, and in which there was a decided tendency to increase the secular and proportionately decrease the religious features.

This complete change from a system of education controlled by the church and almost exclusively religious in its nature, to a system controlled by the state and essentially secular in its essence, however, does not mean that the public school system is hostile to religion or to religious instruction. Certain approaches toward

religious influences, therefore, continue to the present day. With the exception of a few states, the Bible, or portions of it, may still be read in the public schools, public school property may still be used for religious worship where it does not conflict with school hours and church property may be leased to public schools like any other property. However, the wearing by teachers of religious garbs in the public school rooms is frowned upon and pupils will not be suffered to break up public school discipline by absenting themselves from school on purely religious holidays.

The decision of the United States Supreme Court in the Nebraska and Oregon cases is of the utmost importance. It checks the pretensions to absolute monopoly in the field of primary education which some champions of public schools had been making, and recognizes the natural right which parents have to direct the education of their progeny. These cases clearly point the way to a recognition of the new form of parochial schools which is now coming into being. It is to be hoped that under them the proper balance which should exist between secular and religious education may be restored for the benefit of parents, children, state, and church.

The question of tax exemption of the property of religious societies was simple when such property was as public as are courthouses and postoffices. When public support was withdrawn from churches and custom continued, though its reason had disappeared. It continues to the present day, is reenforced by constitutional provisions, statutory enactments, and court decisions, and presents a case, indeed, of indirect support by all taxpayers of church establishments maintained by individual groups. It is justified to some extent by reasoning which points out that the social influence of churches, in preventing penitentiaries and similar institutions from suffering an overflow of inmates, richly compensates the favors extended.

## WHY THE STATE HAS BECOME AN EDUCATOR: FRANCE, GERMANY, BRITAIN

A. J. WM. MYERS\*

What were the reasons urged publicly by educationists, statesmen, and others, to bring about state systems of education? What other influences played a part? A complete study would include a consideration of Greece, Rome, and of mediaeval Europe. Such a study, however, would require more space than that at our disposal. This sketch is limited, therefore, to the development of the theory during the last few centuries in France, Germany, and Britain.† Since original documents are not available for consultation in many cases, the writer has had to rely, in part, upon the accuracy of such secondary sources as Reisner, Monroe, Boyd, and others.

### France

Many influences were at work in France even under the autocracy. Descartes was a mighty force for liberating thought, as was also Pascal. Both helped in developing the ideal of education, and in giving the vernacular (French) a place in the schools.

Helvétius (c. 1750) argued that the great differences between people was largely a matter of education and that, therefore, education should be provided, not by the church, but by the state. Bad education, he said, accounts for most of the defects of mankind. The church has not made good. Therefore, let the state undertake this function.

But it was Rousseau who stirred France and Europe to the heart in education. In the *Emile* he shows how education would change the whole society. Also in his *considerations on the government of Poland* he says, "make it impossible for a Pole ever to become a Rus-

sian and I will guarantee that Russia will never subjugate Poland." Education, therefore, is to unify and perpetuate the nation.

La Chalotais in his *Essay on National Education* (1763) said, "every nation has an inalienable right to instruct its members because, in a word, the children of the state ought to be brought up by members of the state." But this education should be limited to the upper classes. His real point is that education should not be in the hands of the church, especially those of the Jesuits. The aim of education, he protests, is good citizens, rather than good members of the church.

Rolland (c. 1768) backed up La Chalotais, but demanded education for all. "Every one should have the opportunity to get the education most suitable to him."

Condorcet's Report to the Legislative Assembly, 1792, gives the aim of national education as he conceived it: "To offer all individuals of the human race the means of providing for their wants, of insuring their welfare, of knowing and exercising their rights, of knowing and fulfilling their duties;

"To assure each one the opportunity of making himself more efficient in his industry, of making himself more capable of performing social functions to which he may be called, of developing to the fullest extent the talents which he has received from nature; and by that means to establish among the citizens an equality in fact, making real the political equality recognized by law.

"Such ought to be the first aim of national education."

The author of this report held to perfect freedom in teaching. He said, "The intention of the constitution is that all laws should be discussed, that all political

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†EDITOR'S NOTE: A paper parallel to this one, but including only the United States, is being assembled by Professor Luther A. Weigle, and will be published in the April issue of *Religious Education*.



theories should be allowed to be taught and opposed, that no system of organization should be offered to enthusiasm or to prejudice as the object of superstitious worship, but that all political beliefs and systems should be presented to reason as different possibilities among which she has the right to choose."

He, therefore, would take education out of political and governmental control. The Assembly was busy with other things and did not establish the universal education which the Revolution set forth in its constitution. But the document is prophetic of some of the best in democratic educational policy.

A few years later, 1794, it was enacted that all children were to be educated and boarded at government schools. This was to be compulsory. The purpose of these schools was "to strengthen the bodies of the children and to develop them through gymnastic exercises, to accustom them to hard work, to harden them against every kind of fatigue, to bend them to the yoke of a salutary discipline, to form their minds and hearts by means of suitable lessons, and to give them that information which is necessary to every citizen whatever may be his calling in life."

A system of national schools was established, but parents could send children to day schools.

The final law enacted that schools should be maintained by the municipalities and that if poor, one-fourth of the pupils might be admitted free. The fine enthusiasm of the Revolution did not embody itself in free public education.

The attitude of the French revolutionists toward religion is too well known to need comment. Of course, the church could not educate, was their point of view.

With the return of Napoleon and because of the excesses of the Revolution, there was a natural reaction against democratic movements. Napoleon considered education a most important political question. He said, "There cannot

be a firmly established political state unless there is a teaching body with definitely recognized principles. If the child is not taught from infancy that he ought to be a republican or a monarchist, a Catholic or a free-thinker, the state will not constitute a nation, it will rest on uncertain and shifting foundations, and it will be constantly exposed to disorder and change."

He wished to make the schools servants of himself and his dynasty, so the whole system of secondary and higher education was unified under the Imperial University whose Grand-master was directly appointed by the Emperor. The oath of office reads: "Sire, I swear to Your Majesty before God to fulfill all the duties which are imposed upon me; not to use the authority vested in me for any other purpose than the development of citizens attached to their religion, their prince, their country, their parents; to further by all means in my power the progress of enlightenment, sound learning and good morals; to perpetuate all traditions of the glory of your dynasty, the happiness of children, and the peace of parents." Why the state under Napoleon took over control of education is clearly stated in this oath.

But neither the full aims of the fine ideals of liberty, equality, and fraternity, nor of centralized autocracy, were completely realized.

The monarchy (1830-1848) fostered public schools. Lorraine, in his report of the survey of schools, said, "It is not difficult to see that a nation, jealous of the new rights born of the July Revolution, would perform a perilous experiment if it should abandon the common people to their accustomed ignorance." His aim is clearly the preservation of safety through public education. The teacher took this oath: "I swear fidelity to the King of the French people and obedience to the Constitutional Charter and the laws of the Nation."

During the second republic and second

empire (1848-1870) there was a reaction in regard to public education, and a state system was developed under a Minister of Public Instruction and a Council (1850). But Louis Napoleon assumed despotic control over all education to effectively prevent protest and criticism of the government. The press was muzzled also. The insecurity of the tyrant gave urgency for control of state education.

Under the third republic (1870 ff.) fees were abolished in public primary schools, and compulsory attendance from six to thirteen years of age was established. The curriculum was enriched and secularized.

France was bled white and smarting under defeat. It was believed that education had given Germany the dominance. "The Prussian schoolmaster was said to have won the war." A revival in learning resulted, and it was pointed to nationalistic ends. The aims were "that good, old-fashioned morality," the basis of moral and civic life; French nationality; and republican government. Loyalty to these three is very definitely one conscious purpose of the schools. The influence of the church was weakened and in many ways eliminated. There was a unified national system of public education—the most highly centralized system in the west.

In France there is still a social distinction between primary and secondary education. The former is for the common people; the latter is patronized by the upper classes. But democracy in France, though not perfect, has attained a fine degree of reality, and the public school is remarkably free from being used for political ends. The aim is moral character and intelligent, efficient citizenship.

#### *Germany*

Why the state should provide education was set forth by Luther in his two classical documents: his *Letter to the Burgomasters*, in 1534, urging them to establish and maintain Christian schools; and

his *Discourse on the Duty of Sending Children to School*. He argued strongly that the state should provide and maintain schools, and should compel attendance. The school ordinances issued through the influence of Luther, Melancthon, and other reformers, embodied these principles. The aim was to enable children to read and understand the Bible, and to develop intelligent and good citizens for the home and state. Even if there were no heaven or hell, good schools would be needed, he said. He also pointed out that the city's treasure was not wealth but clever, wise, honorable, well-educated citizens. He wanted a free system of education for boys and girls of all the people. So Saxony as early as 1543 had schools financed by the state (as well as private schools). Similarly Calvin and Knox advocated and established public schools. The tenets of Protestantism made the demand for and support of education for all inevitable. The educational institutions and attainments among Protestants in all lands in reformation times attests this: Italy, France, Germany, Scotland, England and the New World.

Comenius in his *School Method* advocated state control with compulsory attendance for Gotha. This little state's experiment was a fine demonstration of what state education could do. It became a saying that "Duke Ernest's peasants are better educated than noblemen anywhere else." The aim was to develop intelligent and moral citizens.

Most rapid progress was made in Weimar, where there was compulsory attendance in 1619. A similar law was passed in Prussia about a hundred years later. Basedow (1724-1790) proposed a Supreme Advisory Council of Public Instruction which would have control of schools for both poor and rich. The council was established in 1787. This made all institutions of learning state institutions. Religious compulsion was removed in 1803.

Kant (1724-1804) was an admirer of Rousseau. But he defines the aim of education as helping the pupil find the law that rules life within himself. Public education, he held, is better than private, but he believed the control should not be in the government but under "the most intelligent experts."

Pestalozzi saw in education the means of ameliorating and improving social conditions.

Fichte (1762-1814) delivered his *Address to the German People* while the French were in possession of the country. As means to national restoration and supremacy he pinned his faith to education. It must include all classes.

A national system was established under a Bureau (1807) which became a separate department of the government ten years later. The professors and teachers became appointees of the state. Teachers passed examinations by the authorities. School attendance was compulsory. The duty of sending children to school was put on a par with that German prime necessity, military service.

The whole Prussian system was capable of becoming an effective agency for implanting governmental doctrines. The direct control over the teachers who held office provided well for insured "safe" teaching on political theory and patriotism. Frederick III said, "A neglected, uncouth, illiterate people can be neither good nor a happy people." Therefore, he supported schools liberally. "But," he continues, "just when educational conditions are most advanced, all kinds of doubt and forebodings force themselves upon me." So he is perplexed and concludes it is no benefit to educate anyone out of his proper class.

The German minister of education set down the purpose of public primary education which may be summed up as follows: "to serve and wish to serve God, the King, the fatherland, and themselves with strong, skillful bodies, awakened intelligence and good conscience." The fine

balance between control and freedom is displayed in the final words, "I do not think that the principles enunciated will raise the common people out of the sphere designated for them by God and human society. I think, rather, that they are able to make the common man's lot agreeable and profitable to him."

The reason for state education, then, is to keep people contented in their lot and maintain the established society and government.

The Carlsbad resolution, 1819, aimed to prevent free political thought in secondary schools, and to remove teachers who criticized the government. "The entire school system (1807-40) was intended to serve as a nursery of blameless patriotism," a reality not achieved even by Napoleon.

The death of Frederick III, 1840, gave opportunity for agitation for greater freedom, while statesmen were trying to forge a united empire. Frederick IV believed supremely in the divine right of kings. The revolution of 1848 failed. But revolt in thought continued, as seen in Strauss's *Leben Jesu* and the writings of Karl Marx. The government found public school teachers leading in criticism and demands for representative institutions. The king, addressing the teachers' seminaries, made this pronouncement "All the misery which has come upon Prussia during the past year is to be credited to you and only you." He goes on to say how he has hated this "false education strutting about like a peacock," and that his "bureaucratic government is being undermined and poisoned by these unholy doctrines of modern, frivolous, worldly wisdom."

Advanced educational writings were forbidden publication; Diesterweg's and Froebel's conservatism triumphed completely. Nationalism, the duties of servants of church and state, and religion and morals were emphasized. Herbert claimed that the obligation of compulsory attendance and education for the good

of the child rests on the state. Froebel created the school to realize this end.

The *kulturkampf* controversy between the Pope and state (Bismarck) resulted in drastic laws. The state asserted its supremacy over all other authorities. The regulations of 1872 brought more secular subjects into the curriculum with less religious emphasis. Social democracy raised its head under the iron heel.

William II undertook to suppress socialism. The agency at hand was the school. He said the school will teach "civic and social relationships through the cultivation of a fear of God and a love of country." It must also create the conviction in the minds of youth "that not only are the teachings of social democracy contrary to the commandments of God and to Christian ideals, but also impracticable of realization and dangerous to society at large." He went on to show how the school must teach German history and nationalism, and German "heroic tradition." Instruction and machinery were designed to make these effective in the schools. All was unified and controlled by the bureaucracy under the minister of religion and education.

Since the war, education has been freed largely from autocratic control for political ends, and the aims of the great educators are being more fully realized.

#### Britain

Calvin's educational principles spread from Geneva over reformation countries, as did also Luther's. Knox and his party worked them out most effectively in Scotland with schools, high schools, colleges, and universities "as also provision for those that be poore and be nocht able by them selfs, nor by their freindis, to be sustened at letteris." A unified Calvinistic system of education is outlined in the *First Book of Discipline* and while the system was not accepted by church, or parliament, the school system there outlined has been one of the factors which has given Scotland such

an enviable place in religion and letters.

The proper use of the English language early forced the state into education. For instance, Richard Mulcaster (c. 1570-1600), as head of the Merchant Taylor's School, advocated compulsory training in reading, writing, music and drawing, and especially careful training in English, "a tongue of itself both deep in conceit and frank in delivery." His words are worthy of repetition today: "I do not think that any language, be it whatsoever, is better able to utter all arguments either with more pith or greater plainness than our English tongue, not any whit behind either the subtle Greek for crouching close, or the stately Latin for spreading fair."

Francis Bacon exercised a great influence in concentrating attention on the fundamental place of education. One of his main objectives was to help man discover causes and gain control over nature.

Samuel Hartlib, a friend of Comenius, advocated (1650) that parliament make a grant for the education of poor children, because he "had a great faith in the power of the state to use education as a means of social betterment."

John Locke wanted education for every single boy, that he may "keep the body in strength and vigor so that it may be able to obey and execute the orders of the mind." The purpose is "virtue, wisdom, breeding and learning." He also includes a handicraft.

George Adam Smith (c1775), knowing the writings of Rousseau and La Chalotais, argued (in contrast to the latter) that the state should provide for the education of the poor because the upper classes would look after their own education. It could maintain a little school in every parish at small expense. This scheme seemed possible of realization through the monitorial system of Lancaster and Bell until that movement divided on denominational lines.

Social conditions were vastly changed

by the "industrial revolution" (1785-1832). The government was the most democratic of the day. Authority was vested in parliament. The Wesley and Whitefield revivals stirred the moral and religious life, and reforms were introduced. Education was looked upon for the most part, as a private and voluntary enterprise. The state had no business to carry on education. Parents could not be compelled to send children to school. The great "public schools" are a product of this principle. These schools were in no sense nationalistic either in control, curriculum or purpose, and perhaps for this reason have been one of the most formative forces in English life. Dame schools existed for children of the poorer classes, but the great masses of children received no education at all.

While France and Germany were fast developing state systems, England left education largely to individual initiative.

But in the industrial revolution with its factories, child labor, and a host of other attendant problems, the government had to take a hand. Factory acts were passed. In 1802 it was enacted that all apprentices must receive education part of each working day at the expense of the employer. It was felt that education would raise the plane upon which workers lived.

The increasingly shocking social conditions produced societies and organizations such as the Society for the Propagation of Christian Knowledge, the Sunday school, the National Society for Promoting the Education of the Poor, the British and Foreign Bible Society, etc., in order to alleviate bad conditions.

In 1807 a bill was introduced to provide tax aided schools which would offer "two years free schooling for all poor children between seven and fourteen years of age in reading, writing and arithmetic, and for girls, in addition, needlework, knitting, etc." This raised the hotly debated and long lived ques-

tion as to the wisdom of educating the poorer classes out of their station. The bill was rejected by the House of Lords. Even in the minds of the promoters, the education of the poor was less to provide opportunity for improving their station than to make them less of an eyesore and less a moral and social danger.

After Waterloo, 1815, and the ending of the war, there was extreme depression. Lord Brougham and others continued their agitation for better education but little was done by the government.

1832 is remembered for the Reform Bill. Labor was beginning to come to class consciousness. The penny daily press had been established. The laboring classes wanted education. The next year slavery was abolished throughout the British domains. Local government and control was extended.

The development of a strong middle class in England caused secondary schools to multiply. In this period the government began to aid these, and also to aid technical schools. Government commissions inquired into secondary schools and universities in order that they might be made more useful, the universities for example, being thrown open to all classes (1854-1871). Arnold of Rugby advocated elementary and secondary schools for the lower and middle classes both for the development of the individual and the good of society.

In 1870 a bill was introduced to provide elementary education in England and Wales because of "much imperfect education and much absolute ignorance." There was also "a demand from all parts of the country for a complete system of national education." The object of elementary education was "reading, writing and arithmetic." Elementary education was made compulsory in 1876 and a certain minimum standard (grade) had to be attained before a pupil was permitted to leave school between the ages of ten and thirteen. Free education in government elementary schools was estab-



lished in 1891. Further great expansion took place in secondary and university education. For example, there were but three universities in 1868 and in 1891 eleven. In 1899 a government board of education was established.

Rapid progress was made in succeeding years culminating in the Fisher act of 1918. This act provides, among other things, that young persons must continue at least part time attendance at school from fourteen to eighteen years of age. It is one of the most advanced legislative measures yet enacted, and is a "recognition of the function of education in preparing healthy, intelligent and responsible citizens." In the common schools there is a peculiar absence of nationalistic teaching, as has already been observed in the case of the great public schools.

#### *Conclusion*

It is quite clear from this sketch that the state became educator from various and mixed motives. Probably the following are the outstanding reasons and perhaps all played a part in every country, though in different proportions.

(1) The good of the individual and of society. The aim is to help each develop his best possible character. This has been the aim of moral and educational reformers through the years.

(2) Social amelioration and efficiency. The philanthropic influence was compelling at one stage; the social efficiency and making-a-living at another. Vocational preparation has had an important bearing on education.

(3) Nationalistic and political aims. Usually the objective sought was to maintain the *status quo* socially and politically. The school system was deliberately developed and used to this end,

for example, under Napoleon and William II. This motive is still prominent as is seen in the teaching of history and geography and (the Kaiser's) "heroic tradition."

(4) The desire to rescue education from ecclesiastical and other independent control. This was a major motive during some periods of development. The aim was also, of course, to bring all schools up to a uniform minimum standard.

(5) Control over the forces of nature. This has been a prominent aim, especially among scientists. But control over nature is important because it furthers personal, national and human ends.

(6) The development of intelligent, moral, law-abiding citizens. This has been, perhaps, the most constant influence and motive. Physical health has been added as an aim especially in recent years. As democracy gained way this reason necessarily received increasing prominence. The study of how the state became educator brings little comfort to those who say the public school is not intended to develop moral character.

(7) The development of society. Pestalozzi, Reformation leaders, and others through the years have urged this. There is a growing conviction that state education should be a means to the evolution of and continual reconstruction of society itself. This view is diametrically opposed on the one hand to the use of the school as a means of bolstering up any particular political or social theory or condition; and on the other to revolutionary doctrines or methods. It would expect the schools to study all aspects of these questions freely with a view to developing constructively better conditions in industry, society, and politics, both national and international.

# THE CHANGE FROM THE RELIGIOUS TO THE SECULAR AIM IN ELEMENTARY EDUCATION

A. LE ROY HUFF\*

## *Colonial Beginnings.*

A study of colonial legislative records brings to light the religious motive that prompted the founding of the first schools; the union of church and state in their organization and administration; and the almost exclusive religious content of the curriculum.

The Massachusetts Law of 1642 is the first recorded school legislation in the colonies. It reads as follows:

"This court taking into consideration the great neglect of many parents and masters in training up their children in learning and labor and other employments which may be profitable to the commonwealth, do hereupon order and decree, that in every town the chosen men . . . shall henceforth stand charged with the redress of this evil, so as they shall be sufficiently punished by fines for the neglect thereof, . . . and for this end they . . . shall have power to take account from time to time of all parents and masters, and of their children, concerning their employment of their children, especially their ability to read and understand the principles of religion and the capital laws of this country, and to impose fines upon such as shall refuse to render such accounts to them when they shall be required; and they shall have power with consent of any Court or magistrate, to put forth as apprentices the children of such as they shall find not to be able and fit to employ and bring them up."

The law of 1647 is the first requiring communities to build and maintain schools. Following is an excerpt from it:

"It being one chief project of the old

deluder, Satan, to keep men from the knowledge of the scriptures, as in former times by keeping them in an unknown tongue, so in these latter times by persuading from the use of tongues, that so at least the true sense and meaning of the original might be clouded by false glosses of saint seeming deceivers, that learning may not be buried in the grave of our fathers in the church and commonwealth, the Lord assisting our endeavors—

"It is therefore ordered that every township in this jurisdiction after the Lord hath increased the number to fifty households, shall then forthwith appoint one within their own town to teach all such children as shall resort to him to read and write, whose wages shall be paid by the parents or masters of such children, or by the inhabitants in general by way of supply . . . as the prudentials of the town shall appoint . . . and it is further ordered that where any town shall increase to the number of one hundred families or households they shall set up a grammar school, the master thereof being able to instruct youth so far as they shall be fitted for the university. . . ."

The Connecticut colony in 1650 enacted the Massachusetts law of 1647 in full after prefacing it with a rather lengthy paragraph from which the following quotation is taken:

"Forasmuch as the good education of children is of singular benefit to any commonwealth; and whereas many parents and masters are too indulgent and negligent of their duty in that kind:

"It is therefore ordered by this court and authority thereof, that the select men of every town in the several pre-

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cincts and quarters where they dwell shall have a vigilant eye over their brethren and neighbors to see first that none of them shall suffer so much barbarism in any of their families, as not to endeavor to teach by themselves or others, their children and apprentices so much learning as may enable them to read perfectly the English tongue, and knowledge of the capital laws, . . . also, that all masters of families, do, once a week, at least catechise their children and their servants, in the grounds and principles of religion. . . ."<sup>3</sup>

This law, although supplemented by enactments of similar religious tenor, remained in force until after the Revolutionary War.

The following sentences from the records of various colonial assemblies will indicate the extent to which religious motive and interest entered into the establishment of schools for the childhood and youth of the colonies.

From the royal instructions to the governor of Delaware:

"Before all the Governor must labor and watch that he renders in all things to Almighty God, the pure worship that is his due, . . . having care that all men, especially the youth, be well instructed in all parts of Christianity."<sup>4</sup>

Maryland: The Petitionary Act for Free Schools passed in 1692:

". . . that for the propagation of the Gospel, and the education of the youth of this province in good letters and manners. . . ."<sup>5</sup>

Again in 1723 the following statement is embodied in an educational act:

"Whereas the preceding assemblies . . . have had much at heart . . . the absolute necessity they have lain under . . . to make the best provision in their power for the liberal and pious education of the youth of this province. . . ."<sup>6</sup>

In the royal instructions to the governor of New Jersey the following statement is found:

"And it is our further will and pleasure that you recommend to the assembly to enter upon proper methods for the erecting and maintaining of schools in order to the training of youth to reading and to a necessary knowledge of the principles of religion."<sup>7</sup>

The following is an excerpt from the ordinance of New Netherlands of 1664:

"Ordinance . . . for the more careful instruction of youth in the principles of the Christian religion. Whereas it is highly necessary and most important that youth from childhood be instructed not only in reading, writing, and arithmetic, but especially and chiefly in the principles and fundamentals of the reformed religion . . . in order that so God-acceptable and useful work may be more effectually promoted recommend the school master . . . that they shall appear at church, with the children . . . on Wednesday . . . in order that each may . . . examine his scholars as to what he has committed to memory of the Christian commandments and the catechism. . . ."<sup>8</sup>

North Carolina embodied the following sentence in the act of incorporation of a public school:

". . . taking into consideration the great necessity of having a proper school or public seminary of learning established whereby the rising generation may be brought up and instructed in the principles of the Christian religion and fitted for the offices and several purposes of life. . . ."<sup>9</sup>

The Pennsylvania law of 1682 was similar to the early Massachusetts decrees quoted above. It became a dead letter within a few years but the following quotation from the charter granted the Friends Free School in 1711 indicates the relation of religion to education in the colony of William Penn.

"Whereas the prosperity and welfare of any people depend in great measure upon the good education of youth, and their early instruction in the principles

of true religion and virtue, and qualifying them to serve their country and themselves, by breeding them in reading, writing, learning of languages, and useful arts and sciences . . . which cannot be affected in any manner so well as by erecting public schools. . . ."<sup>10</sup>

South Carolina embodied the following sentence in an educational decree:

"Whereas it is necessary that a free school be erected for the instruction of the youth in grammar, and other arts and sciences and useful learning, and also in the principles of the Christian religion."<sup>11</sup>

The references quoted above make clear that the common schools in pre-Revolutionary times were established to teach religion as well as subjects of value in civil life. There was no thought in the minds of these early leaders of the need of the separation of church and state in the education of childhood. This is further set forth in the administration of the schools. State support and supervision such as has been indicated in the references above are of course examples of administration and as such throw light upon popular conceptions of educational function. But there are numerous specific examples of ecclesiastical control of education. A few citations will indicate the nature and extent of this.

New Jersey in 1758 received the following instructions from the crown:

" . . . no schoolmaster be henceforth permitted to keep school in the province without the license of the Bishop of London. . . ."<sup>12</sup>

New York received a similar decree, save that the license must be by the Archbishop of Canterbury, while Massachusetts decreed that the teachers must be certified by the ministers of the town.

Not only were teachers in many instances appointed by the ecclesiastical authority, but there are numerous instances in which teachers were required to meet creedal tests before being al-

lowed to teach. Massachusetts in the measure of 1654 is a typical example of this:

"Forasmuch as it greatly concerns the welfare of this country that the youth thereof be educated not only in good literature, but in sound doctrine, this court doth therefore commend . . . not to admit or suffer any such to be continued in office or place of teaching, educating, or instructing our youth or children in the college or schools that have manifested themselves unsound in the faith or scandalous in their lives, not giving due satisfaction according to the rules of Christ."<sup>13</sup>

The Newbern school established in North Carolina in 1766 provided that:

" . . . no person shall be admitted to master of the said school who is not of the Established Church of England."<sup>14</sup>

South Carolina established a free school in which the following provision is found:

" . . . that the master of said school, shall be of the religion of the Church of England."<sup>15</sup>

Not only are the teachers chosen by ecclesiastical authority subject to their ability to meet satisfactory creedal tests but the subject matter of the curriculum was at first almost exclusively religious. The first textbook to be used in American schools was the Horn Book. It consisted of a sheet of paper pasted on the side of a paddle shaped piece of wood over which was placed a thin sheet of horn as a protection to the writing. The contents of the "book" were ordinarily the alphabet in both large and small characters, the Lord's Prayer, the Creed, and the apostolic benediction. Such was this interesting instrument of physical, mental, and moral discipline. Having learned to read from this, the psalm book, the catechism, and the Bible were later introduced into his course of study. On occasion a little arithmetic and writing were taught and this constituted the

whole of the education of childhood for the first century of colonial life.<sup>16</sup>

The New England Primer supplanted the Horn Book about the beginning of the eighteenth century. It was more elaborate in content but not different in spirit. The letters of the alphabet were taught by means of illustrated couplets of which the following are typical:

"In Adam's fall  
We sinned all.  
Zaccheus he  
Did climb a tree  
His Lord to see.

This was followed by a group of pious sentiments which the children were expected to commit to memory. The Lord's Prayer and the Shorter Catechism were included, as was also an illustrated story of the burning of John Rogers the martyr, while the book closed with a dialogue between Christ, Youth, and the Devil.<sup>17</sup> This, together with the Bible, was the only reading material that the child had access to until about the time of the American Revolution.

From the citations made above, it is readily seen that there was no separation of function in education between the church and state before the period of the Revolution. Religious motives prompted colonial assemblies to establish schools. Religious aims mingled with civic and secular in the justification of their establishment. The church supervised the certification of teachers. The state ordered the communities to build and maintain schools and compelled parents and masters to send their children to them. The text books were religious. Church and state united in the educational task and the community saw no incongruity in it nor was this relation questioned by either before the time of the Revolution.

#### *Under the Constitution*

When one turns to the study of the federal constitution he is struck with the contrast in the treatment of religion be-

tween it and the various legislative assemblies of colonial times. Education is not mentioned, leaving it thus, by one of the provisions of the constitution to the various states, while religion is discussed only to provide that congress shall not exercise its power to favor any particular religious group above another, i. e., religious liberty is guaranteed by constitutional provision to all of the people.

A study of state legislative records after the adoption reveal a similar contrast with colonial decrees. So marked is this that Mr. S. W. Brown in his study, *The Secularization of American Education*, has this to say about it:

"Most of the enactments in which this religious purpose and aim is distinctly affirmed, or in which provision is made for religious instruction bear dates prior to 1776. For this reason the date of the attainment of American nationality may well be taken as the dividing line between the dominance of the religious aim and that of the secular in religious affairs. It was six or eight decades before the secular movement was in full swing, having gradually acquired momentum during the intervening period; but with 1776 the incorporation in our educational laws of distinct avowals of religious purpose or distinct provisions for religious instruction practically ceased."<sup>18</sup>

A number of factors account for this abrupt change.

Among these is the growing independence of the colonies of European influence, an independence that was accentuated by the War of the Revolution. Another was the poverty and confusion incident to the war. Religion came to take a smaller place in human life than it had earlier done in colonial history. A third factor was the growing secularization of life that came about with the expansion of population west across the Alleghenies. The settlers sought new



homes for other than religious motives. The toil and privation of the frontier absorbed their time and strength. Often religion was despised or looked upon with suspicion. One has only to read such a book as Eggleston's *Circuit Rider* to come to know how small a place religion had in the life of a large number of frontier communities.

The effect of these factors is readily seen in the rapid change in the phraseology of state legislative measures following the ratification of the constitution. Note the change in the wording of the Ordinance for the Government of the Northwest Territory as it was originally promulgated in 1787 and as it finds its reflection in the constitutions of the various states which have been carved out of the territory. The original ordinance reads as follows:

"Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."<sup>19</sup>

This is akin in spirit to the colonial decrees to which reference has already been made. But the first modification comes in the constitution of Ohio in 1802. It reads as follows:

"Religion, morality and knowledge being essentially necessary to the good government and happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision not inconsistent with the rights of conscience."<sup>20</sup>

In 1851 the constitution is again modified so that it reads:

"Religion, morality, and knowledge being essential to good government, it shall be the duty of the general assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship, and to encourage schools and the means of instruction."<sup>21</sup>

In the constitution of Indiana the necessity for moral improvement is men-

tioned but religion is omitted, while not even morality is mentioned in the constitutions of Michigan and Minnesota. The reliance is entirely on intelligence, as is indicated by the following excerpt from the constitution of Minnesota:

"The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general system of public schools."<sup>22</sup>

Mann was probably the most outstanding champion of public education of his day. His influence still abides in educational circles. In his annual report as the secretary of the Massachusetts State Board of Education in 1846, he wrote as follows concerning the "Ground of the Free School System":

"The three following propositions, then describe the broad and ever enduring foundation on which the common school system of Massachusetts reposes:

"The successive generations of men, taken collectively, constitute one great commonwealth.

"The property of this commonwealth is pledged for the education of all its youth, up to such a point as will save them from poverty and vice, and prepare them for adequate performance of their social and civil duties.

"The successive holders of property are trustees, bound to the faithful execution of their trust by the most sacred obligations; and embezzlement and pilage from children and descendants have not less criminality and have more meanness, than the same offenses when perpetrated against contemporaries."<sup>23</sup>

The labors of Mann and his contemporaries finally won the states of the Union to the principle of free tax supported systems of schools.

With this victory has also come the one for the release of the schools from ecclesiastical control. In this Mann also took an active part. His correspondence with the Reverend Mr. Smith, particu-

larly his sequel to the correspondence presents the difficulties that are in the way of any sort of church control. He says in part:

" . . . One sect will have the ascendancy to-day; another tomorrow. This year there will be three persons of the Godhead; next year but one; . . . This year the everlasting fires of hell will burn. . . . next year its flames will be extinguished . . . This year the ordinance of baptism is inefficacious without immersion; next year one drop will be as good as forty fathoms. Children attending the district school will be taught one way; going from the district school to the high school, they will be taught another way . . . the fiercest party spirit will rage. . . . Let me ask here, too, where is the consistency of those who advocate the right of a town or district to determine, by majority, what theology should be taught in the schools, but deny the same right to the state?"<sup>24</sup>

The conflict was long drawn out in Massachusetts. Echoes of it are recorded in the histories of many other states.

Mann was the object of many bitter attacks upon the part of the clergy and ecclesiastical organizations. But in the end he won, and America to-day is committed to the principle of a free public school system supported by tax funds and entirely free from the control of any ecclesiastical group or organization.

While seeming at first to relegate religion to an inferior position the separation in reality gave religious teaching an opportunity for dynamic influence in training the nation that could not be accomplished if it carried the handicap of organic relationship to the state. The task of motivation alone is so great that the resources of the church will be taxed to the limit in meeting them. Freed from the burden of teaching the bodies of learning for which the state now assumes responsibility, the church can spe-

cialize in the field of motivation with its own peculiar technique. Thus church and state carrying their separate functions will both contribute to the enrichment of our common life.

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# THE CHANGE FROM THE RELIGIOUS TO THE SECULAR AIM IN HIGHER EDUCATION

EDWARD STERLING BOYER\*

THROUGH the centuries preceding the Protestant Reformation the church was the fostering agent of education. It was the Reformation which disengaged the state and education from the federalizing influence of the papal power.<sup>1</sup> †Protestant nations have accepted the obligation to instruct youth, and universally support free public schools. The government of the United States is founded on the assumption that each individual shall possess some degree of education. Associated with this idea is the principle that in democratic states, civil and ecclesiastical powers should exist separately.

Separation of church and state as a political principle had its rise in Virginia in 1775.<sup>2</sup> The separation was caused, first, by the prevalence of religious dissenters in the established church colony; and second, by the low morality of the Anglican clergy in the state.<sup>3</sup> The dissenters kept their churches democratic, each member being on an equal basis with every other. They suffered much at the hands of the established church. Early leaders of government were democratically inclined, and almost uniformly were attracted to the dissenter form of church organization. It is not difficult to understand, then, that the struggle for religious liberty and the struggle for independence from Great Britain became parallel and interrelated movements. The struggle for religious liberty became the struggle for political freedom. Baptist, Presbyterian and other dissenters composed over half of the population of Virginia. The outcome was eventually a free church in a free state. This meant that a self-supporting and self-governing Chris-

tianity was to be independent of, but in friendly relations to, the civil government.

Higher education in the colonies received its motivation from religion, but many of the temporal needs were met by agencies of provincial governments. In 1836, Harvard College received four hundred pounds from the General Court of Massachusetts Bay Colony as an initial incentive toward its establishment.<sup>4</sup> Liberal grants of money from the British government, and substantial personal gifts from the King and Queen, gave assistance in early years to the College of William and Mary.

Kings College (now Columbia University) received its first impulse and financial beginning through Trinity Church of New York in 1752. But next year the legislature of Jamaica voted five hundred pounds to be paid annually to the trustees of the college for salaries of officers.<sup>5</sup> The General Assembly of Connecticut Colony made an annual grant of one hundred and sometimes two hundred pounds in behalf of Yale College during its beginning years.

All of these colonial colleges were religiously motivated in their educational procedure. Their origin and early development was brought about by individuals whose dominant purpose in education was religious, and their chief objectives, the spread of Christian intelligence and education of young men for the ministry, was distinctly religious in nature.<sup>6</sup> The colonies were able to promote their colleges only on the basis of religious necessity.

While there is no evidence to indicate that sensitivity to that need became less acute in the last half of the eighteenth century, the original leadership, trained in the English universities, had gone.

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†References are to bibliography listed at end of the article.

New social, economic, and religious adjustments were involved in the development of colonial life.<sup>7</sup> The lessening of religious control in government was accompanied by an equal abatement of religious interest in the colleges of the national period.

The established church, which had rested heavily upon the imposed principle of its right to exercise authority over all forms of thought, found a new element to contend with in the rise to power of the dissenters. Their demand for civil and religious liberty accounts for the desperation with which they plunged into the revolutionary struggle. The logical consequence of the ideal of religious freedom was eventually the separation of church and state.<sup>8</sup>

The principle of scientific inquiry arose in Europe during the early part of the seventeenth century. The spirit of this type of inquiry was carried into education and operated to weaken church control. Luther had boldly proclaimed the principle of universal education and insisted that the state should provide means for educating each child. For years the states of Europe vacillated; they did not know whether to accept the authority of the church or state in education. Foundations of American college curricula were laid in the old world, and suffered somewhat from problems there, although the process of adjusting to satisfy the newer aims in higher education was not essentially influenced by European scientific inquiry.

In the national period, 1775-1850, there developed a desire for a national university in America. George Washington promoted the idea and thought the other colleges, which he called "seminaries," would be "excellent auxiliaries" to such a university.<sup>9</sup> The chief purpose was to develop an educational institution of such strength and academic character that American youth, at that time receiving higher education in Europe, would de-

sire to remain in America and be adequately instructed here.

This feeling, that a more adequate and inclusive training must be given, was definitely manifested in three ways: first, the desire of individual states to promote higher education within their borders; second, the desire of the national government to promote higher education by granting state aid; and third, the desire of the national government to promote higher education independently.<sup>10</sup> Parallel to this movement came an increased emphasis on the worth of man and the importance of ethical conduct, and a new nationwide sense of the political worth of the people.

There is, in fact, a direct relationship between the democratic idealism of Jefferson and the establishment of a state university system. Jefferson's first plan was to transform the College of William and Mary into a state university. This failed, largely because the established church dominated the college. Jefferson was the first outstanding advocate of centralization in university education. He also attempted first to develop state responsibility for higher education. Against popular indifference, religious jealousy, and unwise opposition, he, with his colleagues, did establish the state university of Virginia. Financial support was arranged in part by local subscriptions, and in part by legislation to supply what was called the "literary fund" of the university.<sup>11</sup>

The principle of separating church and state was definitely adhered to in establishing the University of Virginia. Its founders realized that under the law it would be quite impossible to attempt theological or sectarian teaching in such an institution. Some objected to this educational procedure on religious grounds. Jefferson proposed that they develop a school of religion on the confines of the university. This they never did, leaving it to a later generation to

see the virtue in such a proposal. It was all a strange and daring procedure in view of the bitter sectarian emphasis of the period.

America, like France, saw no church that was inclusive enough to take a place of eminence in the government. It turned to education as the agency and force by which, through cultivating efficient methods and skill and pursuing high aims, a civilized and enduring nation might be made secure. In this development, training for citizenship came into the foreground very early in Columbia College. Classical languages were subordinated there to more utilitarian needs, and also in the University of Pennsylvania. The University of Virginia opened its doors in 1825, introduced the students immediately to modern studies, and omitted religious instruction entirely. By the end of the national period, the new tendency had definitely set in; state supported institutions were well established, able to satisfy the demand for secular higher education.

State control dominated the development of higher education in the great northwest. The celebrated Ordinance of 1787 had declared for religious freedom and for governmental provision and encouragement of schools. Under this ordinance Ohio University was founded, the first to be established upon a land grant endowment.<sup>12</sup> When Ohio became a state, the control of University land, and the destiny of the projected institution, passed under the state legislature.

The University of Michigan was organized in 1817, before the territory became a state. Two grants of land gave an endowment to that institution. All legislative and executive control was at first put into the hands of the President of the United States.<sup>13</sup> In a real sense, however, the young university was a state institution, and was thus controlled.

Higher education became, then, not a private matter but a public concern. The

states of Wisconsin, Indiana, Illinois, and Ohio made possible, by slow development, state schools which were soon to become great universities of the people, supported by taxation. Of course, it was felt that the state should, under these conditions, exercise control over its university. Yet the omission of religious instruction from the program was considered by many a decided limitation. In 1822, three years before the University of Virginia opened its doors to students, people were talking of it as "not merely of no religion, but against all religion," according to a statement of the founder. The report was long current in the religiously gloomy period after the Revolution that Mr. Jefferson was trying to construct a university on atheistic principles.

The establishment of the University of Michigan was influenced largely by people deeply interested in religion. Clergymen were chosen as faculty members for the first two years, and piety was an essential quality for an instructor in the young university. However, the Head of the Board of Regents asserted at the close of the first year that—"Experiments made in other states, by catering to morbid prejudices of sectarians have only embarrassed the institutions of the state, and matured the growth of numerous rival colleges avowedly sectarian. The establishment of a collegiate institution in a free state should be conducted on liberal principles and irrespective of all sectarian predilections and prejudices. The only security to be sought is in the character and principles of the men who are placed over it."<sup>14</sup>

Success of the educational enterprise in Michigan was in doubt between 1844 and 1859. The religious denominations seemed to withdraw interest in the project, for their kingdom was not of that educational world. The infant institution was apparently left to the politicians, with implications which are clear. Lim-



itations upon teaching of religion were certain and final.

Many people felt what was a very evident religious limitation in the secular aim of state controlled universities. The teaching must be performed on a secular basis. Teachers with qualifications of piety might be employed, yet the law separating church and state must be observed. The new emphasis which appeared in such fields as chemistry, natural history, and political economy, indicate the secular trend. Teachers in these fields struggled under conditions little realized in these flourishing days of rapid growth.

The growth of denominational colleges was a direct reaction against the secularization process. In Ohio, the people felt that a state university would necessarily omit religion. Therefore, they organized religious schools. The number and influence of these denominational colleges was a chief factor in delaying the development of a state university. The same fundamental religious motive which founded Harvard, Yale, and Princeton, served as a dynamic force to develop such Christian colleges as Kenyon, Oberlin, Marietta, Depauw, Wabash, Franklin, Hillsdale and Olivet. The chief reason for establishing Oberlin College in 1833 was frankly "to offset degeneracy in the church and the deplorable condition of our perishing world." This was a protest against the desire for freedom from doctrinal and ecclesiastical restraints which seemed a part of the rising tide of national spirit. A significant group of educators was convinced that public ends could best be served by state controlled institutions. This meant that the religious element would be left out of instruction as far as they were concerned. Such secularization was not acceptable to those who believed the church was established to make a moral and religious contribution to society in terms of the religious education of their young men and women—therefore, the organization of denominational colleges as a protest.

It is clear that the religious ideal passed almost completely from American higher public education during the national period. It did so in part because of a felt need for citizenship training and a newer liberalizing thought current, and in part because of changes in the theory of religion itself.<sup>15</sup> That religion is now reasserting itself and again occupying a place in American universities and in schools of religion affiliated with state universities, is a significant development. From the beginning, the state university has made training for citizenship a chief objective. It could not teach religion. And yet, when nationality is thought of in a cultural rather than a political sense, the problem comes close to what may be termed religious, for the very ideals, customs, and ceremonies of a community find their highest expression in religious culture. A respectable minority saw the limitations of secularized education in state schools, and never consented to the arrangement. Their voices were practically lost, however, in the overwhelming volume of those who felt it necessary to dedicate education, free from religious bias, strictly to the end of building a new nation.

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## THE RELATION OF STATE SCHOOLS TO RELIGION IN FRANCE, GERMANY, ENGLAND AND CANADA

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If education is the effort of the older members of the community to direct the mental processes of the growing part of the population, then the material used must be, in addition to the regular text books, the conceptions and ideals by which the adult members of the community live. In each group, nation and type of civilization, we find differences due to the customs and sanctions of the group itself and adjectives such as "better," "worse," "higher," "truer," are all comparative, for the ideal changes from time to time and is adjusted according to circumstances. The real purpose of all educational effort is to fit the individual to live the best possible life both for his own happiness and for the good of the group of which he is a part. The task of the school is to develop the individual for his own sake, in order that, in turn, he may contribute the most to the development of society. The nearer we approach to perfection in the social order, the more nearly we approach a condition where ideal individuals are developed. The ideal is therefore after all the perfect coordination and interplay of these two fundamental principles. Religion of some kind is essential to every well-rounded life. All education must take into account the ethical and spiritual needs of the individual, for only as these ideals become part of the equipment of man can society be said to be religious. The educators of every nation today recognize this fact and various systems in different countries are being tried to meet the need.

### *France*

In France a complete state system

has been established which controls the activities of all the children beginning with the first days of school and ending with their completed university education. Here we have represented the most complete type of a state system of education with a strongly centralized administration of all grades. To understand the situation it is only necessary to compare the French system with that in the United States. In America the school system is controlled by the state, with county and city as local units. Any proposal that has been made or could be made to bring the administration of the schools under federal control would be looked upon with very grave suspicion. In effect, we have a national control by public opinion and by emulation among the states, but it is purely voluntary. In France, on the other hand, there is nothing that corresponds to the local or the state boards. The various departments, through their schools, are a part of the national system. The school system of France represents the soul of the nation and the teaching forces are held together by that professional and patriotic feeling which is fostered by the state, and in turn develops the same spirit in the pupils. It is the spirit of the school organized in the art of teaching. The schools are controlled by a board of professional educators, not by politicians. There was a long period when the churches exerted a wide influence, but with disestablishment and the drastic reforms that were brought about, the church was more completely cut off from any contact with school life than in any other European nation. In 1886 a law was enacted which pro-

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vided that no clergyman or priest should be allowed to teach in any school in France. None but lay persons can be employed in the public schools and from this date all distinctly religious teaching was excluded; however, there was put into the curriculum a graded course, known as "moral instruction." This brought about a very great change, not only in the viewpoint of the teachers, but in the attitude of the community. The partisans of the church were not long in realizing the meaning of this drastic action and a long and bitter controversy resulted, and out of it has developed a certain moral confusion. However, there is much to be said for the plan which runs through the entire system and is a part of the curricula of all the preparatory, elementary, middle and upper schools. The moral instruction is given to all pupils and almost without exception the hour for this instruction is 8 o'clock in the morning. In the preparatory section the moral instruction period is fifteen minutes a day for five days in the week. The material used in the course consists of very simple talks, stories with moral teaching, biographies of famous men, and the inculcation through explanation and illustration of good habits, such as neatness, order, exactitude, and politeness. This is for the pupils six and seven years of age. In the elementary course, for pupils seven to nine, twenty minutes a day are given four times a week to moral teaching, and here there is familiar conversation with tales, fables, and moral stories and their explanation. The middle course pupils, ranging from the ages of nine to eleven, are given twenty-five minutes a day three times a week, and the material used consists of conversations on the chief individual virtues such as temperance, love of work, modesty, sincerity, courage, tolerance, consideration for others, kindness and lec-

tures upon the chief duties of social life, duties to family, to state, and to country. Readings to supplement this course are used to illustrate the virtues taught. In the upper course, for pupils ranging from eleven to thirteen, instruction is given for thirty minutes a day three times a week and the subject matter consists of studies in conscience and character, self control, self education, and the various aspects of justice and solidarity, and at this period in the pupil's school life there enters an element of more technical instruction in civics and individual responsibility toward the community and the state. The only place in the teaching where there is anything that approaches religion is under the heading of tolerance, but the teaching of dogma or anything that could be called technically theological or religious is not permitted. The ideal that is set up for the pupil is one of complete tolerance for all faiths, and under the teaching of justice and right the pupils are led to appreciate and to love the right of free thought as the ultimate in all moral conviction. This instruction tends to lay the foundation for a thorough-going recognition on the part of every individual of the value of the common virtues that lie at the basis of character. The system is sound for it is intended "to complete and bind together all of the lessons of the school and to elevate and ennoble them. While each other study develops some special aptitude, or enlarges the stock of useful knowledge, moral teaching is concerned with the development in the man of the man himself; that is to say, his heart, intelligence, and conscience." And so it is recognized that this teaching has a sphere of its own. Inasmuch as the facts learned are not of so much importance as the impression gained from the instruction given, the greatest stress is laid upon the character of the teacher, and the success

or the failure of this system can be measured in this way. The most powerful example is therefore the teacher himself. His character, his conduct, his language are the principal elements that enter into the subject-matter of his teaching. The amount of teaching regarding the supernatural, the existence of God and such matters as form part of the tenets of the church are left to the discretion of the teacher himself. The instruction on these points must of necessity be rather superficial and have to do for the most part with simple arguments to prove the existence of a first cause. To sum it up, as far as the public school systems of France are concerned, moral instruction is in line with the conception of life based on mechanism and natural law. To one who knows French character well it is fascinating to see how this early instruction weaves itself into the very fibre of the character of the adult Frenchman with his decidedly objective attitude toward life and his cold logical appreciation of all values.

#### *Germany*

Each German state under the Empire had control of its own school system. The only authority exercised by the Empire under the old regime was to urge or force the various states to put in operation the compulsory feature of the law; however, owing to the fact that Prussia had such pre-eminence in the Empire the Prussian system became the norm for the entire nation. If one were to undertake to treat the educational system of Germany from a historic standpoint, it would be necessary to trace the entire growth of the Prussian state. Its dealings in educational matters and its domination throughout the Empire are paralleled in every sphere of activity. Especially prominent is this in school matters. So much so that after the war of 1870 it was said that the Prus-

sian school-master had conquered France. There has always been more or less conflict between Prussia and Bavaria owing to the difference in religion, Prussia being solidly Protestant and Bavaria Roman Catholic. It is the South arrayed against the North. Luther and his influence are responsible for modern education in Germany. In 1524 he urged upon the German municipalities their duty in providing schools and then exhorted parents to send their children to these schools. To him the church and the state were closely allied and together formed a new entity, "the Kingdom of God"; hence in the thoughts of the German there is very little distinction between the activities of the church and the functions of the state. The Lutheran clergymen are nearly all accredited school teachers and religious instruction is a part of the technical education in every branch of the school system. The preacher is the school inspector, usually officially appointed as such in addition to his holding the position by reason of his place in the church. That the principle of compulsory education was established in Prussia at an earlier date than in England or elsewhere, with the exception of Scotland, is credited to the fact that there was this very close relation between the Protestant church in Germany and the educational duties of the individual and the state. The school system is graded in such a way that the individual selecting the school makes his selection based on his position in society and the purpose he has in view for his life. The very name of the school indicates the type of instruction and the aim it sets before its pupils. Religious instruction is also graded to meet definite needs for specific individuals.

Under the Republic the federal plan of education has been agreed upon which will bring into one system and under one control the schools of the

nation, but for the time being this plan is held in abeyance. The constitution is very specific in regard to educational matters. Under its provisions a degree of freedom is allowed owing to the autonomous character of the states in the new Republic. Under the constitution each teacher is given the privilege of teaching religion or not just as he sees fit. Since the war Bavaria has taken the lead in establishing church control of the schools. Through a concordat with the Vatican approved in January of last year, the church came to have as complete control of the schools as it is possible for them to have under any modern state. No teacher can be appointed who is not approved of by the church and the church authorities, and the teaching of religion is not only made compulsory but it is given by the representatives of the church itself. The Socialist Party in Bavaria, as well as in other states in Germany, is protesting against this movement which subordinates the school system to ecclesiastical control. At meetings held at Leipsic and in hundreds of other cities, fostered by the National Teachers' Association with a membership of 150,000, the Free Church Association, and practically all the liberal clubs and organizations, strong protests were made against this and it was demanded that the state shall assume its proper relation to the school system and that the teaching of all subjects, including religion and moral philosophy, shall be under the direction of properly constituted boards sponsored by a Federal Commission. This vigorous action is caused by two fears: one that the schools will surrender to the church and be dominated by a narrow denominational spirit; the other is that they will become the tools of political agencies and forces. It is a clear-cut announcement and the fight is now on and its development may well be

watched, for it will be interesting and have a far-reaching influence on the future of the schools and teaching, not only in Germany but all continental Europe.

#### *England*

In England the school question has been complicated by a long series of bitter fights between the established church, the free churches, and the liberal groups who have been trying to put education on a scientific basis, freed from ecclesiastical and church control. This struggle has lasted through several generations and for a hundred years has been exceedingly sharp. The historic educational system of England was divided into two general groups of schools, the public school, so-called, which corresponds roughly to the private school in America, and the board schools. It is only since the war that a new system came into existence and really we may say that the greatest advance began with the year 1925. With the new government coming into power, Lord Percy, the President of the Board of Education, made a sweeping statement of the new plans and purposes. It is apparent now that in England and Wales there will be a development of the school bringing it into line with the best in any of the modern states. The advance is the greatest in the realm of elementary education. Every child of school age will have a school to attend, and although the members of the National Board have not committed themselves to the establishment of secondary schools, they are encouraging the opening of such schools at selected centers throughout the country. One of the difficulties encountered was the competition offered by the church schools. It seemed inadvisable to attempt legislation to close them, and in many cases the school under the direction of the National Board in a community alongside a denominational



school found difficulty in carrying on its work. The higher standards of the board school were not so attractive as the greater liberty permitted in some of the church schools. A black-list was established and in many communities the church school that failed to meet the demands of the board, as laid down for the school in that community, was ordered closed. This has worked well so far inasmuch as it has given the board school a right of way, and where the denominational schools have persisted they have been brought to a higher standard. Religious instruction as offered in the board school, while not so technical nor churchly, is just as sincere and more in line with the best educational standards than similar instruction in the church schools, which has so strong a denominational flavor.

The question of the voluntary denominational school is one of vital importance to the nation and the whole question of education in England. In these denominational schools the church has complete control and the pupils in the middle and secondary schools are required to take two hours and a half of religious instruction per week. This instruction is given either by the teacher or the teacher is able to call in some one who will take the responsibility for him. The instruction varies. In some places it is a serious study of the catechism and some of the tenets of the church. For the most part it consists of reading the Bible with talks and admonitions.

The church and state are so closely interwoven that it is only natural to suppose that for a long time to come the correlation between the technical function of the teacher in the elementary and secondary schools will be closely associated with the efforts of the local church. In comparison with France, which has definitely broken with the church and has established a

teaching of morals, there is nothing in the English system so logical and far-reaching in its effect. There is a different atmosphere and a different attitude when one crosses the threshold from the room where science is being taught, or elementary subjects such as reading and writing, into a room where religious instruction is being given. The Church of England's report on education was a very thorough-going document, and although the changes will not take place very rapidly, forces have been put in operation that will bring about a change for the better and out of the difficulties and the turmoils of the years which have marked the educational history of England will emerge a sound system of national education, and in this system religion and moral guidance will have a regular place along with the other standard subjects of a school fitted for a modern world.

#### *Canada*

The educational systems of Canada vary in the different provinces. Quebec stands largely alone because of its mixed population, its use of two languages, and because of the strength of the Roman Catholic Church. The western provinces have systems that more nearly approximate that of the United States in many features. There is no centralized control by the Dominion but through the Dominion Educational Association the teachers and school officials are kept more or less in touch with each other's plans and purposes. Each province has its own council. In Quebec there is a Catholic and a Protestant Committee and acting together they form the council and direct the Department of Education. The schools are equally divided between Catholic and Protestant, and each taxpayer is privileged to state whether he wishes his money to be used for the Protestant or the Catholic school. All the Protestant

communions have combined and the system is carried out with very little friction and little or no proselytizing. In the Protestant schools the first half hour of each day in all the classes up to and including the seventh grade is devoted to moral and religious instruction. This consists in the first four grades of opening religious exercises with scripture reading, the singing of some hymn, and a prayer, then instruction in the scriptures and morals, including any devotional or ethical treatise that may be chosen dealing with godliness, truthfulness, honor, respect for others, good manners, temperance, health, and kindness to animals. From the eighth to the eleventh grades the moral and religious instruction consists of opening exercises, scripture reading, prayer, and song, and occasional lectures and guidance in ethics.

In the Catholic schools in the Province of Quebec moral and religious instruction consists of prayers, the catechism, sacred history, elements of ancient history, manners, reading in Latin, and excerpts from church history. This is divided up between the various grades so that it covers an eight years' course that is almost as complete as a course in a theological seminary. The course begins with the making of the sign of the cross and a very simple prayer, and according to the curriculum goes on to this admonition regarding practical ethics: "The teacher should endeavor to impress on the pupils the idea that politeness and good manners have their foundation in the Christian virtues of charity and respect." The curriculum in moral and religious instruction, as given in the handbook showing the school regulations of these Catholic schools, fill fifteen pages and ends with a rather complete history of the church, so that the pupils will acquire "a general idea of the beneficent action of the church during the course of centuries; of the

civilizing influence exercised by her on society, on the family, on the individual." This is by far the most complete program in religious instruction to be found in the public schools of any country.

In Newfoundland the schools are carried on by the various denominations. There is a Roman Catholic Board with Roman Catholic schools; Church of England Board with Church of England schools. The Methodists, Presbyterians, and the Salvation Army also have charge of a certain number of institutions. Religion is taught in all of these schools from the standpoint of the denomination, and while there is a professional Board of Education, there does not seem to be evidenced any large spirit of cooperation or any unity of council, either as to curricula or school management.

In Nova Scotia primary education is compulsory. The Roman Catholics have no separate schools and most of the convents are in affiliation with the public school system, and where the Catholics are strong compromises have been arranged. Higher education has suffered to a certain extent because of denominational strife in the past. The church has a very close affiliation with the school and of course religious instruction is a part of the regular curriculum.

In New Brunswick there is a good system of primary schools under provincial control with the various denominational departments dealing with secondary education. The principal material in the religious teaching seems to be in the worship period with Bible reading at the opening of the school day.

Ontario has a school system prosperous and satisfactory in every respect. There is a deep interest on the part of the people in education; the schools are adequately supported; the teachers are of a high grade and the profession

of teaching is attracting the better educated men and women. Compared with other parts of the Dominion, the salaries are high, which makes for efficiency. The schools are well graded with elementary, secondary as well as technical educational institutions. Religious instruction is given in all the schools throughout Ontario. It is provided that there shall be reading of the scriptures, repeating of the Lord's Prayer or a prayer authorized by the Department of Education, but provision is also made so that no pupil is required to take part in any religious exercise objected to by his parents or guardian. A pupil may withdraw during the time that the religious exercises are being carried on. When this is done at the formal request of parent or guardian, the absence is not counted against the pupil. On the other hand, if a teacher feels that because of conscientious scruples he cannot conduct the religious exercises, the Board of Education will make other arrangements for giving this instruction. Provision is made for the reading of the Ten Commandments and repeating them at least once a week, and the pupils are required to memorize certain passages from the Bible. The clergyman of any denomination shall have the right and it shall be lawful for him to give religious instruction in the schools to pupils of his own church at least once a week after the hour of closing the school in the afternoon. Provision is also made so that one clergyman representing all the clergymen of a group of churches acting together can serve as the teacher and have charge of this religious educational hour. If more than one clergyman asks for the right to meet the pupils of his denomination, the school authorities will arrange for a room and for an available hour so that all may be accommodated. No religious emblem of any kind is permitted to be shown in any school in the province.

In the provinces of western Canada the same general plan in regard to education is in operation as we find in Ontario and most of the provinces are very similar.

To summarize, although there is no central organization of the schools, on a Dominion-wide basis, Canada is working toward a general scheme. The Dominion is meeting the educational problems of the growing population through an advance and many forward looking plans. It is rather remarkable to find so many people with pronounced religious convictions in the various provinces able to agree upon such a thorny subject as the teaching of religion in their schools. Just as the language question has been settled amicably in Quebec, so the question of the teaching of religion is being settled throughout the whole Dominion, and the settlement is not by elimination but by a facing of the facts through a realization of the need and a statesmanlike attitude toward this important issue.

It would seem that the development in so many countries following the war points the direction in which public education should go. For instance, the Pekin authorities in reshaping the educational policy for China have put all the schools upon a basis where education and not religion will be the end toward which they will strive. There is to be complete freedom in religion and no compulsion at any point, but voluntary religious teaching and training. The same thing is true in Turkey and Roumania, and just as our country was the first to attempt a great all-inclusive educational system, these nations, copying much from us, may still be able to teach us through their experiments how we can bring back a much needed religious and moral emphasis that must be a part of every true education.

## RELATION OF STATE SCHOOLS TO RELIGION IN RUSSIA AND TURKEY

MATTHEW SPINKA\*

Russia and Turkey were countries totally dissimilar in culture and religion, as well as hostile in the political sphere; nevertheless, in one respect they bore a marked resemblance. Until comparatively recent times, they were the only remaining absolute monarchies, and both found the chief support for their uncompromising absolutism in theocratic sanctions. The process of overthrow of this anachronous form of government was likewise similar, and at present, in spite of the many and fundamental differences, the two powers are alike at least in this respect, that the dominant tendency prevailing is modernization, which is at present a synonym for secularization of the entire structure of the national government.

### *Russia*

Under the tsarist régime in Russia, the church was practically a department of the state, and was, in consequence, exploited in the interests of strengthening the principle of absolutism. The religious training of Russians of all classes was consciously and persistently directed toward instilling into their minds ideas of the divine prerogatives of the autocrat, "the anointed of the Lord," who held his sway by divine right. The catechism, or "the law of God," as it was called, was therefore taught as a compulsory subject in all grammar, secondary, technical and classical schools, as well as the universities, not excepting even the military schools and the army. The church controlled one third of all the schools in Russia, the parochial schools, which were supported by the state to the extent of the sum of thirty million rubles annually. It would be difficult to exaggerate the importance of this ideological basis of the tsarist power, and the government was

keenly alive to its value. The church was the surest and stoutest prop of the Russian theocratic absolutism; it was the spiritual police of the state.

When tsarism fell during the catastrophe of the World War, the Provisional Government which was set up until a regularly elected constituent assembly could establish a permanent form of government, decided to make, in accordance with this fundamental principle, as few changes of the existing conditions as possible. Therefore, in spite of the personal desire for reforms of the ecclesiastical establishment on the part of individual members of the government, officially, little was done. The former tsarist *ober-procuror* of the Holy Synod was at first supplanted by the revolutionary *ober-procuror*, V. N. L'vov, but later this office was abolished, and a ministry of confessions, which had charge of all religious bodies in Russia, was created. A more radical measure was adopted by the ministry of education when, on June 20, 1917, a law was passed, provisions of which placed all parochial schools supported from public funds under the control of this ministry, and as a corollary of this measure, the budget for the support of the ecclesiastical establishment was reduced by some thirty million rubles. The number of such ecclesiastically controlled schools was reported at 37,000, and amounted to one-third of all the schools in Russia.<sup>1</sup> This measure raised a violent protest on the part of the church, but the government stood its ground firmly. The ministry of education contemplated even further reforms: it planned to remove from the list of required subjects the teaching of the Orthodox Catechism, and to make its study optional. This project brought upon the government the wrath of the church, which began to oppose it

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strenuously as "anti-Christian," and the protests of the Sobor of the Russian Orthodox Church had the result of postponing the measure.

When the Bolsheviks overthrew the weak Kerenskii government in October, 1917, instead of the vacillating, half-hearted measures of reform contemplated by that régime, the Russian church was to experience a most radical readjustment of its relations to the government. By the decree of January 23, 1918, the church was separated from the state, and the school from the church. Although freedom of conscience was guaranteed both to believers as well as all others, all church property, as well as the governmental subsidy, were lost, and this, of course, included all parochial schools, and even the specifically professional theological academies for the training of the priesthood. Section 9 of the decree specified: "The school is separated from the church. Instruction in religious doctrines is not permitted in any governmental and common schools, nor in private teaching institutions where general subjects are taught. Citizens may give or receive religious instruction in a private manner."<sup>2</sup> This legislation is a logical deduction from the fundamental principle of the October Revolution, which aimed to do away with theocracy in every form, and to secularize every department of governmental life. It is easy for an American to understand why the separation of the church from the state necessarily implied a like separation of the school from the church. A thoroughly secularized, non-confessional government could not teach religion in its schools, for it would have to decide in favor of one type of interpretation, and of necessity ignore other types, in consequence of which nullifying the provision of liberty of conscience would be

evident. It would be equally out of the question to attempt to teach all shades of religious interpretation. The only logical solution of the problem was to make religious instruction a private matter.

It was not until 1922 that the All-Russian Central Executive Committee issued a decree regulating the matter which read as follows: "Instruction in matters of faith of persons who have not reached their eighteenth year of age is not permitted. Persons above eighteen years of age may be instructed in special theological courses with the aim of preparing them for the priesthood, but on the condition that the curriculum of such courses be limited specifically to theological subjects. It is likewise permitted to hold separate lectures, discussions, or reading courses dealing with confessional matters for persons above eighteen years of age, so long as such meetings do not acquire the character of a systematic scholastic method of instruction."<sup>3</sup>

This prohibition of religious instruction of children and youth under eighteen is not absolute, as it would appear from the legislation just quoted. Later legislation specified that children in groups of three or less, whether they belong to the same family or not, may receive religious instruction either from their parents or from another person, and this instruction may be given either in the home of the children or of the teacher. It may not, however, be given in school or in churches. The teachers need not be registered with the governmental authorities, for the instruction is private, and is treated as a part of the activity of the congregation.<sup>4</sup> This principle was applied even to the catechetical instruction required (by custom) in the Lutheran churches of all young people who were in preparation for joining the church by confirmation; they were permitted to be catechized privately, in groups of

1. Titlinov, B. V.: *The Church during the Revolution*, Petrograd, 1924, page 65 (In Russian).

2. Gidulianov, R. V.: *Separation of the Church from the State*, 3d ed., Moscow, 1926, page 616 (In Russian).

3. Ruling of the A. C. E. C., June 13, 1922.

4. Instruction of the fifth section of the People's Commissariat of Justice, Sept. 14, 1924.



three or less, but not under conditions which would resemble organized school instruction.<sup>5</sup>

The intent of this legislation is fairly obvious: the rising generation must grow up without definite, organized religious instruction, and as far as possible shall receive a secular training which, if it is not formally anti-religious in the sense that specific courses in atheism be not given, yet is in a large number of cases motivated by an anti-religious purpose, and at all events is non-religious. Besides, the Communist Party, as well as other definitely atheistic organizations, are free to instruct youth in efficiently and systematically organized manner in the tenets and dogmas of atheism. In spite of the fact that in general the Soviet ecclesiastical legislation, in principle, is not unjust, this provision forbidding an unhampered religious instruction of children and youth forms an exception: it is the most unfair enactment of all that have been passed in regulating religious affairs, and is enormously harmful to religious interests of the country. This single provision, considered apart from all other measures calculated to nullify and obviate the influence of the church, must be regarded as the most pernicious as well as effective means of gradually substituting the anti-religious point of view among the great masses of the Russian people for the religious. There is some truth in the boast of the president of the Atheist Society, I. Spitzberg, when he proudly asserted in a personal conversation with me, that in ten years Russia would be definitely atheistic, not because the government would persecute religion, but because the new generation would be brought up to despise it. Although Mr. Spitzberg may be mistaken as to the sweeping scope of his assertion, the danger nevertheless is real. There is no doubt whatever that much which passes for religion with the Russian masses

ought to be swept away: the superstition and mystagogy, so intimately bound up with the prevailing ignorance and illiteracy, should go, and if the governmental educational system is able to accomplish an improvement along this line, it will have done a highly praiseworthy task. But the provisions forbid all organized specifically religious instruction; in so far they nullify the loudly-proclaimed principle of freedom of religious belief and propaganda.

In an interview with Mr. Smidovich, the vice-president of the U. S. S. R., in charge of the department for ecclesiastical affairs, I raised the question of the apparent injustice of granting the anti-religious organizations freedom of systematic instruction and propaganda of their dogmas, and denying the same right to religious bodies. He denied that to be the case: he pointed out that each religious service held in churches on Sundays and holidays is to be regarded as possessing values of religious instruction, and since children and youth under eighteen have free access to these services, they are to be considered as receiving religious instruction.

This law prohibiting systematic religious instruction of children and youth under eighteen is strictly enforced. It is said that the sectarians, in many instances, do not suffer any great curtailment of their work of instructing the young in religious principles. In spite of the example regarding the Lutherans, which was already cited, it may very well be true that such is the case in some localities. Much of the ecclesiastical legislation had been framed expressly for the purpose of hampering the activity of the formerly dominant Orthodox Church. The application of the law, of course, depends upon the local authorities, and it would not be strange if it were "administered," i.e., if a certain amount of favoritism were not practiced. That, however, does not change the letter of the law, nor the general status of the question.

5. Decision of the fifth section, Com. of Justice, Sept. 29, 1924: in *Gidulianov, op. cit.*, page 374.

Regarding the problem of educating the candidates for the priesthood, it must be recalled that all schools, even the specifically and professionally theological, had been "nationalized" as early as December, 1917, so that the church was deprived of the very possibility of carrying on that particular task. Furthermore, the religious presses of the country were likewise confiscated, so that the church very soon felt an acute lack of literature of all kinds. At first, nothing could be done to remedy the situation. But finally, after more than four years, the government regulated the matter of training schools for the priesthood as follows: "Regarding the question of opening theological courses, the fifth section of the People's Commissariat of Justice deems it necessary, in order to prevent all possible misuse of it, to allow the organization of such courses only in large cities, and only with the permission of the gubernatorial Executive Committee and the consent of the People's Commissariat of Education and of the department of cults of the People's Commissariat of Justice. Only persons who have reached their eighteenth year of age may be admitted to these courses. As the Supreme Ecclesiastical Administration, as well as the eparchial ecclesiastical administrations, the groups of believers, and religious societies, are deprived of their juridical character, the establishment of theological courses may be undertaken only by private citizens of good legal standing, or a group of them; but these persons must, when applying for the permission to inaugurate such courses, present therewith a program or plan of instruction, as well as a specification of the conditions under which the courses shall be given, including a list of instructors.

"These rules regarding organizations of theological or religious courses govern all cults and religious societies existing in the R. S. F. S. R."<sup>6</sup>

<sup>6</sup> Fifth section of the Commissariat of Justice, May 2, 1923; No. 280.

In these various enactments, the Soviet ecclesiastical legislation appears at its worst: for in spite of the repeated affirmations of religious liberty of private conviction and propaganda, and of the separation of the church from the state, these provisions had hedged the imparting of religious instruction both to children and adults within such irksome and restraining limits that, as a result, the vast Russian Orthodox communion possesses at the present time only two comparatively weak theological academies, and both of them are controlled by the synodical party which had revolted against the policies of the late patriarch Tikhon, while the patriarchal party, comprising two-thirds of the entire communion (i. e., some 60 million members) has no theological academy at all!

Such is, briefly, the relation of the Russian government to the matter of religious instruction of the young; the obvious intention motivating the attitude is undoubtedly a sinister desire to restrict or make impossible any effective work of religious education of the rising generation, and therein lies the chief danger of the entire situation.

### *Turkey*

The amazing transformation of Turkey from an eastern theocratic autocracy to a modern republic is similar to the Russian historical evolution in so far that both countries had been dominated by the ideal of a thorough secularization and modernization of the government, even though they may differ in many other respects. Turkey had been the proverbial "sick man of Europe" for the last three-quarters of a century, and many European statesmen busied themselves in helping it to die peacefully. The era of Sultan 'Abdul Hamid had become so notorious for its revolting cruelties and reactionary absolutism that it may well be compared with the worst periods of the Russian tsarist tyranny. As an inevitable reaction against such repressive policies, there broke out, in 1912, the Young Turk's

Revolution, but unfortunately, this attempt at establishment of better relation between the various mutually antagonistic racial units comprising the Turkish Empire, and inauguration of a more enlightened rule, had in the whole failed. The World War had shattered the empire to a degree that the victorious Allies thought the time had come when the remaining possessions of the sick, and now practically dead, Turk could be seized with impunity. The treaty of Sévres provided for this but thinly veiled process of partition of much of the remaining Turkish territories; but then came the surprising revival of Turkish nationalism under Mustapha Kemal Pasha, who was finally able to set up a nationalist government at Angora, to depose the Sultan, who was but a cat's paw in the hands of the Allies, to hurl the invading Greek forces out of Asia Minor, and, finally, to wrest from the dazed allies the Treaty of Lausanne. Since then, the new government undertook such a thorough reorganization of the entire structure of the Turkish national life, that if its efforts have a measurable success, Turkey will eventually become a thoroughly western state on the model of France and Switzerland. Thanks to the provisions of a treaty between Greece and Turkey for an exchange of population, the new Turkey possesses a prevailingly homogeneous population, and thus the greatest problem of the former régime has been solved, and the military system proves no longer necessary. The constitution adopted on April 20, 1924, proclaimed the Turkish state a republic, transforming it thereby from the former autocracy of the sultans to a democratically ruled modern state. Although Islam remained the religion of the state,<sup>7</sup> the new Turkey ceased to be theocratic in any sense of the word, for the caliph, 'Abdul-Mejid Efendi, had been expelled (March 3, 1924) and the government of the country is now entirely secular. Art-

icle 70 of the new constitution provides for "freedom of conscience, of thought, of speech, of press;" and article 75 expands the provision of religious liberty by specifying that "no one may be molested on account of his religion, his sect, his ritual, or his philosophic convictions. All religious observances shall be free on condition that they do not disturb the public peace, or shock public decency, or exist in violation of social conventions or the law."<sup>8</sup>

A further secularization of the government is shown by the circumstance that the ecclesiastic jurisdiction of the Islamic canon law courts (Sheri'ah) was transferred to the ministry of justice, and the sheikh u'l Islam, the principal canonical juris-consult, lost his seat as an *ex officio* member of the cabinet. The ministry of religious endowments was likewise abolished, and the very considerable property controlled by this body was taken over by the state.

A similar process of secularization transformed the school system from one ecclesiastically controlled to a purely secular, state controlled type prevailing elsewhere in Europe or America. Formerly, education in the Ottoman Empire was largely provided for by the mosque schools in villages, corresponding to parochial schools, such as existed, for instance in Russia, in an ascending scale through various dervish private circles to the great centers of theological learning, such as the one in Cairo. In addition to these Turkish schools, there existed private educational institutions for the non-Moslem minorities, as well as the institutions founded and fostered by missionary enterprise, which were prevailingly of the college grade, and drew their constituency largely from the non-Moslem minority population. But these provisions were woefully inadequate, not even speaking of their low standard, so that illiteracy was very common. To remedy this situa-

7. Article 2, Constitution of the Republic of Turkey, in *The Treaty with Turkey*, N. Y., 1926, appendix E.

8. Constitution of the Republic of Turkey, in *The Treaty with Turkey*, N. Y., 1926, page 32.

tion, the new Turkey ruled, in article 87 of the constitution, that "primary education is obligatory for all Turks, and shall be gratuitous in the government schools."<sup>9</sup> The existing Islamic parochial schools were nationalized by transferring them to the control of the ministry of education. The minority schools were likewise taken over, because by the removal of the minority nationalities themselves these schools ceased to serve their original purpose. The missionary institutions were not alienated, but were placed under the supervision of the ministry of education. Since they formerly served the educational needs of the minorities to a considerable extent, they have now lost this source of supply of students, and are beginning to draw largely upon Turkish students. Victorious Turkey, feeling that at last it is the master of its own household, determined to do away with the various privileges which had been granted to foreigners under the old régime of concessions. In the realm of missionary educational institutions, this attitude was officially formulated by the prime minister of the Turkish government, Ismet Pasha, who on July 24, 1923, addressed a letter to each of the Allied Powers, in which he stated: "The establishments and institutions mentioned above (American religious, scholastic, medical and charitable institutions) will, as regards fiscal charges of every kind, be treated on a footing of equality with similar Turkish establishments and institutions, and will be subject to the administrative arrangements of a public character, as well as the laws and regulations governing the latter."<sup>10</sup> Interpreting this somewhat vague statement, it means that foreign institutions shall enjoy no privileges which the native governmental institutions do

not possess, but likewise shall in no way be discriminated against. The truth of the matter is that Turks have come to regard some of these establishments as potential outposts of foreign aggression, and as having been in the past sources of religious or nationalistic friction; therefore, they are wary of permitting a repetition of the same situation. In order to insure a proper degree of Turkish nationalism in all schools, the ministry of education made the study of the Turkish language, literature, history and geography, taught by properly accredited Turkish teachers, a required subject, and forbade the compulsory attendance at Christian worship on the part of Moslem pupils, which had formerly been customary in missionary establishments. Although Christians are free to attend churches, chapels, or give religious instruction to their children at home or in schools or places of worship, the former freedom of proselytism among non-Christians has been restricted, although the courts have pronounced it legal for a Moslem to become a Christian.

Most schools are adapting themselves to the new situation, and such institutions as were closed have again been reopened. The outstanding examples of the institutions which were ordered to be closed were the Roman Catholic schools which refused to remove the crucifix from their class-rooms. These various initial difficulties seem to have been largely overcome, and it is encouraging to note that the attendance at the missionary schools has been lifted to the previous level by an increased registration of Turkish pupils, among whom are young people from even the highly placed official circles.

On the whole, the educational prospects are encouraging, and if the plans of the government are carried out, Turkey will become a thoroughly modernized country.

9. Constitution, in *op. cit.*, page 38.

10. *The Treaty with Turkey*, page 150.

# RELATION OF STATE SCHOOLS TO RELIGION IN CHINA AND JAPAN

JAMES M. YARD\*

We shall discuss China first, because Japanese culture, philosophy and religion came largely from China, as will be perfectly evident when we discuss the two systems.

The chief value of this paper will be to put into print the fact that there is almost no relation between state schools and religion in China and Japan. I have searched through the books and the files and have asked prominent Chinese educators for references on the subject. Nothing is to be had.

The Chinese literati are almost non-religious. They spend their time discussing ethics and politics. As Dr. P. W. Kuo, formerly president of the South Eastern University, and at present director of the China Institute of America, says, "The literati or intellectuals of China have been for centuries, as nearly pure rationalists as the world has known." I suppose that is the thing that impressed Prof. Bertrand Russell and caused him to write, "I know of no other civilization where there is such open-mindedness, such realism, such a willingness to face the facts as they are instead of trying to distort them into a particular pattern." The intellectuals are, of course, all followers of Confucius. The question, then, is: Can Confucianism be called a religion? There is undoubtedly a strong religious element in it, but many modern Chinese scholars refuse to call it a religion. In their opinion, it is merely a great system of ethics.

I can do no better than to give some quotations from Dr. Y. Y. Tsu in his chapter on the Confucian God-Idea in *China Today through Chinese Eyes*. "Confucius was pre-eminently a moralist. His interests were this-worldly. But he

had no taste for metaphysical speculation or religious contemplation."

In a few places Confucius speaks of God or Heaven, using them apparently as religious terms, but whatever his private religious views were, in his public life as a teacher he was an agnostic and a positivist. Dr. Tsu says: "Although Confucianism professed to preserve the ancient culture and inherited the classics as sacred literature, it contributed nothing to religious thought, the germs of which were imbedded in that literature. The God-idea of the classics, instead of being clarified, grew dim and vague in the atmosphere of Confucianism and finally in the ambiguous term Tien (usually meaning simply heaven), it became no more than an impersonal moral principle or a law of the universe." Dr. Tsu quotes significant passages from Chutze, the greatest expositor of Confucianism: "Those that have neither form nor shade are difficult to apprehend—do not bother about them. Devote yourself to the work of daily existence which calls for continual exertion. The Master has said—'not knowing how to serve man, how could we serve spirits?' Someone asked the Master about them—he replied, 'honor the spirits, but leave them alone.' This is wisdom."

Dr. Tsu quotes the editor of an important educational magazine, a man of both Chinese and western training, as saying: "The God-idea is now discredited by the educated people. We do not believe in a personal God any more."

Mr. Z. K. Zia in his article on Confucianism, on page 160 of the *Chinese Recorder* for 1924, says: "The Confucian theory of moral education could never have been too individualistic. Indeed any one who wants to call Confucianism a religion has nothing upon which to base

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his contentions except the social aspects of religion. The Confucian formula, 'Pay due respect to the gods, but keep away from them' is another way of saying 'Give the gods a social call, but do not enter into a personal relationship with them.' Rituals, externalism, and the social aspects of religion are emphasized; communion with God, inspiration, vision, faith and hope are left untaught. There is in Confucian thought no forgiveness of sin. There is no new birth, no conversion. Sins are social; the forgiveness of sin depends upon not committing it again."

Confucius was deified by the Manchu Dynasty. His tablet was set up in the central hall of every government school. At the beginning of every term and at other stated occasions the student body came together and in a very formal way bowed before his tablet. Sometimes addresses of eulogy were delivered. The question is: Was that worship—was it a religious ceremony? Or, was it merely a memorial service?

That custom continued during the early years of the Republic but has now faded out everywhere. Something akin to it has been established by the Canton government. The picture of Dr. Sun Yat Sen has taken the place of the Confucian tablet and students and teachers bow before the picture. At the formal ceremonies patriotic addresses are delivered and Dr. Sun's last will and testament is read. Some people call this religion. In my opinion it is nationalism and only religious in so far as our Fourth of July ceremonies are religious.

The situation in Japan is very much like that of China. The picture of the Mikado is placed in the central hall of every school (sometimes in every school-room) and at stated times, students and teachers bow before it. Dr. W. E. Griffis, in his book *The Mikado* says: "That is what Shinto is today—codeless, ethicless and without dogma." "Original Shinto was simply property—loyalty."

"Shinto is not a religion in any technical sense. It is a national tradition raised to a cult."

R. A. Peery in *The Gist of Japan* says: "According to the regulations, no one religion is favored more than another in the schools, and complete religious liberty is allowed. The tendency of the higher education is against any form of religion."

Alfred Stead, in his book *Great Japan*, page 133, says: "The school system of Japan contains no religious education, as the term is generally understood. In fact, it is the most valuable example of the possibility of teaching moral conduct and right living without dogma. The Japanese recognize the value of religious, not necessarily Christian, teachings, but say that it should be taught elsewhere than in the schools. They take the ground that religion, to be of value, must be the result of conviction. It is impossible, they contend, that children of the tender age of six can reason out the mysteries and difficulties of religious dogmas. Confusion in the mind of the child is bound to result, and the development of the intelligence suffers by introduction of abstract and incomprehensible subtleties. That a child in the primary schools can understand, for instance, the idea of the atonement for sin, clearly enough to do him good and not merely to mystify him, is incomprehensible to the Japanese mind. In as far as religious education is made the vehicle of moral instruction, and for the development of character, the Japanese quite recognize its value, but they do not complicate these moral teachings, which may be made intelligible to the child, by abstract and sectarian dogmas and creeds."

Professor Jinzo Naruse, president of the Women's University, gives very clearly this attitude towards religious teachings in schools in the following passage, which it is difficult to better for directness, completeness, and lucidity. He says:

"I strongly oppose the policy of education held by religious people, who try to teach a particular religion to the students of their schools, and who, in some cases, seem to be using education as a sort of bait for converting youths to their religion. Such policy will do harm rather than good, both to the cause of education and to that of religion as well. Education and religion ought never to be confused. I cannot, however, approve of the policy of anti-religious education, resorted to by non-religious men, who try to insinuate into the minds of young students the principles of atheism, and make them think that religion is nothing but superstition and illusion. Education has no right to attack religious systems, and in so doing it deviates from its proper sphere. It is not right to antagonize any religion in a school any more than to teach propaganda. We ought to avoid falling into both of these errors. Educators must have a spirit of tolerance to

all religions, and allow students perfect freedom in adhering to any religion they choose; at the same time we ought to inculcate high moral principles of life, aiming at the spiritual edification of our students without interfering with their individual faiths."

All the authorities on education in Japan stress the importance of moral training, but nothing whatever is said about training in religion, or as to the relation of education to religion.

Certainly the children of Japan are taught in the schools that the Emperor is a direct descendant of the Sun Goddess and is, therefore, divine. The greatest reverence is paid him on all occasions. No one seems to know whether this is religion or not. Very many people say of it, as they do of the same phenomenon in China—that it is merely a method for the creation and maintenance of an ultranationalism.

## HOW THE SEPARATION OF RELIGION FROM THE TAXING POWER HAS WORKED

C. W. BLANPIED\*

1. *The constitutional principle: What it denies and what it does not deny. Distinction between the relation of the states to education and the relation of the federal government to education—and to religion.*

The founders of our government in drafting the constitution worked on the principle of local autonomy. It was assumed that all powers not especially designated as reserved to the federal government were to remain under the jurisdiction of the state. As no specific reservation is made regarding the subject of EDUCATION, this important function was left to the several states for control and development.

The constitution of the United States, which is supposed to touch but little the private life of the individual, contains in the first amendment the following well known declaration:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ."

The constitutional provision noted above has to do with a guarantee of religious liberty to every citizen, that is, the right to follow undisturbed the dictates of his own conscience in matters pertaining to religion.

Having left the education of its citizenship to the several states, the federal government has, however, from time to time, become a party to certain definite

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religious acts ranging all the way from conforming to religious observances such as the form of oath upon the Bible, in the courts and in the inauguration of public officials concluding with an appeal to the Almighty; to a definite control of the educational program, including religious instruction, for Indian children. Other examples are the United States Census Bureau which gathers and distributes information concerning religious organizations and religious conditions; government cooperation with religious organizations in the appointment of army and navy chaplains; opening of sessions of all deliberative bodies with prayer, Thanksgiving proclamations, and exemption of clergymen from draft law during the World War.

Several states were required by congress, as a condition of admission to the Union, to provide an ordinance "for the establishment and maintenance of a system of public schools which shall be opened to all the children of the state and free from sectarian control." These states are: Arizona, Montana, New Mexico, Oklahoma, South Dakota, Utah, Washington, Wyoming, North Dakota, Idaho.<sup>1</sup>

The chief federal participation in matters pertaining to the relation of the state and religion, however, has been through the Supreme Court—the interpreting branch of government. Professor Zollman, in the article referred to above, has reviewed adequately the most recent Supreme Court decisions affecting the relation of the state and religious education. A mere citation of the most recent of these cases will suffice here:

First, the Supreme Court held unconstitutional laws of states, namely, Iowa, Ohio and Nebraska, prohibiting the teaching of foreign languages in private schools; inferring that such legislation was imposing restrictions upon the people that did violation to both the letter

and the spirit of the 14th amendment to the constitution.

Second, the Oregon compulsory education act was also held unconstitutional in that it deprived parents and children of their rights in the matter of selection of schools and studies. In the language of Mr. Justice McReynolds:

"We think it entirely plain that the act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. As often heretofore pointed out, rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurtured him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."<sup>2</sup>

2. *The general drift of state constitutions, laws, court decisions, and administrative rulings. Problems emerging in which the principle of the separation of religion from the taxing power is involved.*

Without going into detail, it will be well to state here the general steps taken by the states in the establishment of their various public school systems with the general trend showing less and less participation in religious matters. These steps are as follows:

- a. Private schools—predominantly religious.
- b. Private schools—predominantly religious aided by public tax.
- c. Public schools—essentially re-

1. *Religious Education*, February, 1926, page 83.

2. *Pierce v. Society*, Sup. Ct. Reporter, Vol 45, No. 16, pages 511, 513.

ligious with Protestant point of view.

d. Roman Catholic minority retaining private parochial schools—subsidized by public tax.

e. Complete exclusion of religious instruction from public schools and withdrawal of state aid for private (parochial) schools.

f. The present period. A recognition that secular religious instruction should not be a part of public school education and an attempt on the part of religious agencies to co-operate with the state in the complete education of its citizenship.

This has brought about two very significant movements:

First, public education, which had been forced to the extreme secular position, has, on finding that popular opinion agrees with the fundamental position of separation of strictly sectarian religious teachings from its schools, reacted in the direction of a greater responsibility for moral and character education in the public schools themselves.

In the report on character education to the National Education Association, July, 1924, it is recognized, moreover, "that the school can by no means assume all the responsibility" and that "character development is also held to be one of the chief functions of the church" and that the "home, school and church and all other social agencies should put forth every effort to improve the moral tone of society at large—adult society. Appeal should be made to all citizens to help this cause by their own example of good character, since this is many times more effective than precept alone."<sup>3</sup>

The closing paragraph (page 19) of the report of the sub-committee on classroom procedure in relation to character education, is also significant:

"This first right of the pupil, to have his personality in its unity and honesty of effort respected by those who seek

to guide his learning and to establish right character, is basic to all other considerations in promoting the development of the righteous human life. Indeed, all of the other four qualities are necessary because of this first requisite in any program of character development."

Appendix C, page 86, of this same bulletin is given over to a discussion of "School and Church Cooperative Plans" in the course of which cooperation in week-day religious instruction is outlined. The closing paragraph, however, is an admonition to public school teachers and administrators to continue moral and character education in the public schools, along with this cooperation with religious forces. For, concludes the report:

"Character education work in the public schools should in no case be abated; first, because there are always pupils who will not receive or be directly benefited by the educational work of the church; and second, because character education is a phase of all education and should never be handed over exclusively to any one teacher or set of teachers nor to any one institution."

Here we have the example of public educators not only seeing the need for cooperation in religious and moral education, but pleading for the right of the public school itself to increase this type of character training as a part of the public school curriculum.

The second movement has for its purpose not only the continued elimination of religious instruction from the public schools, but also attacks the constitutionality as well as the wisdom of cooperation on the part of the public schools in the matter of moral and religious instruction, even though this instruction is conducted under the private auspices outside of public school property. This movement has made its attack in two places:

3. U. S. Bureau of Education Bulletin, 1926, No. 7, on Character Education.

First, toward the removal of all reference to God, religion and the Bible from the public schools themselves. The celebrated Cincinnati case is a classical example of this type of opposition. Here, after a fight of 27 years' duration, the board of education passed a resolution prohibiting "the reading of religious books, including the Holy Bible," in the Cincinnati schools.

An injunction was granted citizens against the school board by the Superior Court. One of the chief arguments used to obtain the injunction was that textbooks, especially school readers, contain selections from the Bible as well as other religious truths, that other books could not be had, and that to provide new ones would entail needless and great expense on parents, and further that—

"A large majority of the children in said city who receive any education are educated in said schools, and of said children large numbers receive no religious instruction or knowledge of the Holy Bible, except that communicated as aforesaid in said schools, and that the enforcement of the resolutions first aforesaid will result in leaving such children without any religious instruction whatever. Also, such instruction is necessary and indispensable to fit said children to be good citizens of the State of Ohio and of the United States."

Appeal was made by the board of education to the Supreme Court where the decision of the Superior Court was reversed, the Supreme Court upholding the right of the board of education to enforce its resolution. The Supreme Court denied:

"that the Christian religion is a part of the law or that the state has a religion. It is true, says the opinion, that religion is necessary to good government, but religion is to be had by keeping hands off, by protecting all forms

of religion and let the best come to light."

Second, the other attack aims at even the cooperation of the state in matters of religious instruction. This battle is being waged at the present time in the State of New York. Not only because this has to do with current events, but because it strikes at the very heart of the new movement in week-day religious education, it has seemed wise to give rather extensive space in this study to the "New York Case."<sup>\*</sup>

First of all a background history for New York state and city will be necessary. Under the Dutch regime "religion and education were considered inseparable . . . teachers being licensed by the civil and ecclesiastical authorities jointly."<sup>4</sup> Mr. Hall states that under the English regime "the government intended to reduce the religious practices of the colony to conformity with the Church of England, and that the schoolmaster was to be a means to that end."<sup>5</sup>

Education under the auspices of the Society for the Propagation of the Gospel, early formed, included reading and writing merely as the "gateway to the Bible and Catechism and Prayer-Book."

In 1805 a Free School Society known afterwards as the Public School Society was formed. Here "instruction was to be religious, but not sectarian." However, a quotation from the ninth annual report, 1814, shows that definite sectarian instruction was being given.

"The afternoon of every Tuesday, or third day of the week, has been set apart for this purpose (i. e. religious instruction) and the children have been instructed in the catechism of the

4. Ohio State reports Granger 21-254 or "The Bible in the Public Schools"—Arguments in the case of *John D. Minor et al vs. The Board of Education of the City of Cincinnati et al*—Superior Court of Cincinnati with the opinions and decision of the court.—Cincinnati: Robert Clarke and Co.—1870, also "Social Theory of Religious Education"—George A. Coe, chapter 17.

<sup>\*</sup>See also article in this issue by T. Basil Young.

5. Religious Education in the Public Schools of the State and City of New York,—A. J. Hall,—U. of C. Press.

6. *Do.*, page 14.

7. *Do.*, page 20.



churches to which they respectively belong."<sup>8</sup>

From 1813, however, a series of laws was passed limiting the amount of public money given for education which included religious instruction. The law of 1825 limited participation in school funds to non-sectarian societies.<sup>9</sup>

Then followed the controversy over granting school fund money to Roman Catholic parochial schools. In 1840 support was denied by both branches of the New York City Common Council.

Secretary of State Spencer, at this same time, reported his position as follows:

"The whole control of the nature or extent of moral or religious instruction to be given in the school is left to the free and unrestricted action of the people themselves, in their several districts."<sup>10</sup>

The special provision for the city of New York (1844) confers upon the board of education no authority to introduce the Bible into the schools, but simply denies it the right of excluding the Bible and of determining the kind of version used.<sup>11</sup>

Between 1910 and 1915, a number of bills were introduced in the New York legislature dealing with some phase of religion, mainly regarding Bible reading in the public schools. All were lost—as a rule failing to be reported out of committee. In 1917 the number of days for compulsory attendance was increased from 160 to 180. About 1921 a court decision was rendered that:

"This state will not interfere with instruction in schools under the control of a religious denomination, where secular and religious education are combined, but it may not assist or aid in such instruction, directly or indirectly."<sup>12</sup>

### 3. *The most recent legal contest with decisions, e. g., "The New York Case."*

The most recent legal decision bearing on the relationship of religious education to the public school system of a state is the opinion just handed down by the Appellate Division of the New York State Supreme Court, confirming the decision of Supreme Court Justice Ellis J. Staley.<sup>13</sup> Justice Staley denied the application of Joseph Lewis who sought by mandamus order to compel the state commissioner of education "to give directions specifically to the White Plains board of education and generally to all boards of education throughout the state of New York where a plan of dismissing school children once each week to enable them to receive religious instruction. . . ."

It will be necessary to insert here a short historical resumé of the case—

In the spring of 1925, the Freethinkers' Society of New York City, of which Mr. Lewis is president, began proceedings against the board of education of Mount Vernon, N. Y., looking toward the abrogation of the privilege enjoyed by parents of having their children excused from the public schools one hour a week for the purpose of receiving religious instruction. As a result of the proceedings, Justice Albert H. F. Seeger of the 9th Judicial District, issued an injunction in July. The effect of this injunction was to deprive the children of Mount Vernon of the opportunity of receiving religious instruction one period a week on public school time.

With this victory gained in the Supreme Court of the 9th Judicial District, the Free-thinkers' Society proceeded in its endeavor to prevent the board of education of White Plains from excusing the children of that city from the public schools for the purpose of religious instruction.

8. *Do.*, page 22.

9. *Do.*, page 41.

10. *Do.*, page 58.

11. *Do.*, page 86.

12. *Smith v. Donahue*, 195, N. Y. S. 715, 203 App. Div. 656.

13. *People of the State of New York ex rel Joseph Lewis, President of the Freethinkers' Society vs. Frank Pierrepont Graves, Commissioner of Education of the State of New York.*

Litigation was not begun against the board of education of White Plains, but it was sought, in view of the decision of Justice Seeger, to compel Dr. Graves, as state commissioner of education, to rule against the board of education of White Plains.

Dr. Graves did not so act. A correspondence extending over several months ensued between the commissioner of education and the attorney for the Free-thinkers' Society. At length in January, 1926, Justice Pierce H. Russell of the Supreme Court of the 3rd Judicial District issued an order against Dr. Graves, as commissioner of education, to show cause before a special term of the Supreme Court (Justice Staley sitting) on February 13th why he should not be compelled to serve notice on the board of education of White Plains, and all other boards of education where similar negotiations are in operation in the state, to discontinue the dismissal of school children each week from the public schools for the purpose of attending religious instruction at the request of the parents.

Immediately upon the issuance of the order against Dr. Graves to show cause, the Greater New York Federation of Churches and the New York State Sunday School Association offered their joint services to Commissioner Graves and the White Plains religious forces in combating the attempted mandamus order.

A joint emergency committee was created, and attorneys Charles H. Tuttle, Pliny W. Williamson, and George W. Schurman, the counsel representing the Greater New York Federation of Churches, were retained to represent the joint forces of the state and city.

*Proceedings in the Supreme Court on February 13th before Justice Staley.*

After arguments extending throughout the day, Justice Staley requested counsel on both sides to exchange briefs within two weeks and to file with him the original briefs and replies, together with affidavits, within one month.

Justice Staley, in April, 1926, after studying the briefs, denied, in a well written opinion, the petition of the Free-thinkers' Society for the writ of mandamus. He summed up his opinion in the following:

"I hold that the excusing of children at the request of their parents for the period and purpose stated by a general regulation of the board of education of White Plains, was an act within the power of said board in the exercise of its judgment and discretion; that the determination of the board that such regulation comes within the provision permitting occasional absences not amounting to irregular attendance within the fair meaning of the term was not an abuse of its discretion in that regard; that the regulation was made in accordance with and not in violation of law; that the commissioner in the exercise of his powers and in the discharge of his duties has no clear right or positive duty to act contrary in the premises, and that a discretionary power having been lawfully exercised, a mandamus order cannot issue to revoke or annul the action taken."

The petitioner appealed from this decision to the Appellate Division of the Supreme Court. The argument for the appeal was heard on November 11, 1926, and the decision was handed down in January, 1927, in a well formulated opinion written by Justice Rowland L. Davis and concurred by all five justices. For purposes of analysis, this opinion may be outlined as follows:

#### I. STATEMENT OF THE CASE.

"The school authorities of the city of White Plains in the year 1925-26 adopted a plan of dismissing certain school children in elementary grades once each week to enable them to receive religious instruction. This action was taken in response to a very general sentiment amongst citizens, endorsed by practically all the clergy.

Each parent was permitted to determine whether his children were to receive such instruction, and if so the place where given. The period selected was the last thirty minutes of the school day on Wednesday—one not devoted to recitation but a study, helping or reading period.

The appellant after demanding that the commissioner of education order this practice discontinued, sought by peremptory order of mandamus to compel him to give directions to the local board and to school officers generally to discontinue such policies."

## II. LIMITATION OF CONSIDERATION TO CASE OF WHITE PLAINS.

In the original petition ordering the commissioner of education "to show cause why mandamus should not issue" Mr. Lewis inserted a "blanket" clause attempting to make the White Plains order cover every other school district in the state. I quote from the original petition of Mr. Lewis: "also directing and commanding said respondent to notify the various school officers of all districts and cities of the state to discontinue the said school regulation now in force and not to adopt in the future any such school regulation illegally curtailing for purposes of religious instruction the time legally prescribed and required for secular instruction."

The opinion of the Appellate Court waives this aside as follows:

"At the outset we will dismiss from consideration any question except that arising at White Plains. What policies have been adopted in other schools is not disclosed in the record; and we will not attempt to give a general advisory opinion."

## III. DECISION ON TECHNICAL PHASE OF CASE, i. e., WHETHER PEREMPTORY MANDAMUS SHOULD BE INVOKED.

The court fails to see why petitioner is aggrieved:

"The operation of the plan has apparently been satisfactory to the citizens of White Plains. At least, no one has voiced objection before the commissioner or here. The petitioner is not a resident of that city, and so far as it appears, he pays no taxes in the district and sends no children to its schools. It is difficult to understand how he is affected or aggrieved; and what right he has to bring this proceeding. The remedy given by mandamus is largely discretionary and always depends upon some clear legal right. It may be invoked to enforce a public right by a citizen and resident sharing with others the same general grievance (*People ex rel Pumpyansky vs. Keating*, 168 N. Y. 390) but that is not the case here. (*Matter of Eiss vs. Summers*, 205 App. Div. 236 N. Y. 238)."

Discussing the nature of mandamus orders, the opinion continues:

"Furthermore, peremptory mandamus will not issue where the public officer is called upon to exercise discretion in his method of procedure. It is likely that if the local authorities had taken illegal action, the commissioner on his own motion might have ordered its correction (Education Law Secs. 94-96; 636). He also might wait until on an appeal the matter was brought before him for judicial determination (Education Law 890). There was at least doubt whether this policy was illegal. Summary determination of the question by peremptory order would naturally arouse feeling amongst those who believed in the wisdom and legality of their plan. A determination after full hearing with parties represented by counsel, might seem a wiser course. The choice between these policies rested in his discretion. Unless his conduct was arbitrary, delinquent or in bad faith, a court will not direct him which choice to make. (*People ex rel Harris vs. Commissioners*, 149

N. Y. 26; *People ex rel Peixotto vs. Board of Education*, 212 N. Y. 463, 466.)

"The petitioner's complaint relates to a rule or ordinance of a local board of education. Lacking direct interest, it would seem that he was submitting only moot or abstract legal question. The validity of ordinances and statutes and their constitutionality will be determined only when presented by a party affected thereby. (*People vs. Sanger*, 222 N. Y. 192; *Board of Education vs. Board of Education*, 76 App. Div. 355, affd. 179 N. Y. 556; *Matter of Attorney General vs. Taubenheimer*, 178 App. Div. 321; *Louisville & N. R. R. Co. vs. Finn*, 235 U. S. 601, 610; *Hatch vs. Reardon*, 204 Id. 152, 160.)"

#### IV. DECISION REGARDING THE "MERITS" OF THE CASE.

It was recognized from the beginning that the technical question of peremptory mandamus formed in itself a weak position for the Freethinkers' Society. It was recognized that both Justice Staley and the Appellate Division Justices could have made their decision on this technical point alone and avoid the question of "merits." Justice Staley refused to hide behind this technicality and rendered his decision in a straight-forward manner covering adequately the merits of the case. The following paragraph from the new decision shows that in the Appellate Division there was no disposition to dodge the larger issues involved:

"These preliminary questions either were not raised by respondent or were not pressed on the argument—very likely for the reason that the commissioner desired a decision on the merits; so we pass them without further discussion or decision.

"We come then to the question of the legality of the rules adopted by the local school authorities. Although the briefs of the petitioner and intervenors are largely devoted to controversy as to whether religious instruction is bene-

ficial, we are not concerned here with the wisdom of the policy, determined for themselves by the parents and the local board. We will consider only the legal questions presented."

#### V. THE LEGAL QUESTIONS PRESENTED UNDER THE "MERITS" SIDE OF THE CASE.

"1. Does the rule adopted by the school authorities violate the constitutional provisions relative to aid in denominational schools?

"Art. 9 Sec. 4 of the Constitution provides:

"Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

a. "The inhibition is against the use of property or money in aid of schools under the control or direction or a religious denomination.

b. "It is not necessarily a violation to mention the subject of religion in the schools or on school property. Either because of simple religious exercises at the opening of school or the occasional use of school buildings for meetings on Sunday, controversies have been brought before the Department of Education from time to time. No one claimed these trifling matters amounted to a violation of the Constitution. These questions were determined with reference to local statutes or on grounds of policy. (See *Judicial Decisions* (Finegan) pages 524-532; 877-894.) We mention this as indicating that the acts complained of here are not entirely unprecedented. There exists a simple method of dealing with such matters, if any one is actually aggrieved.

c. "Here there was no property or public money used in aid or maintenance of any denominational school.

(1) "Cards, not provided by the school, were distributed and the parents indicated thereon the place they wished their children to go for instruction.

(2) "It was entirely voluntary with the parent whether the child was excused.

(3) "There was some 'check up' afterward to indicate whether the privilege should be withdrawn.

d. "All that the petitioner can claim in regard to public expense is the time spent by the teacher during school hours in thus issuing and receiving the card, excusing the child, and ascertaining, if possible, if the parent's direction has been obeyed.

"The acts of the teacher are the same as when excusing a child to attend any religious or secular ceremony at its parent's request. It is a part of ordinary school routine and discipline.

The opinion sums up the decision of the court on the constitutional provision as follows:

"The Constitution is designed for practical purposes and deals with realities, not fictions or conditions largely imaginary. It is intended to operate benignly in the interest of the governed. It should receive a broad, not a petty construction. (*People vs. Fancher*, 50 N. Y. 291, 295; *Matter of Broadway* 63 Barb. 572, 593.) Its commands are not violated by acts so trivial and remote. (*Sargent vs. Board of Education*, 76 App. Div. 588, affd. 177 N. Y. 317; *State ex rel Gilbert vs. Dilley*, 95 Neb. 527.)

The question of violation of the Education Law is next reviewed:

"2. Does such policy violate the provisions of Article 23 of the Education Law providing for compulsory education?

"The particular statute applicable here is Sec. 621 of the Education Law. It

provides that every child within the compulsory school ages in proper physical and mental condition 'shall regularly attend upon instruction for the entire time during which the schools are in session.'

a. "What constitutes proper physical and mental condition is defined and regulated.

(1) "Instruction in certain subjects is prescribed.

(2) "The minimum number of days for schools to be in session is fixed, but not the number of hours per day.

b. "Much is left to the judgment of local authorities to whom management of schools is entrusted, subject to advice and direction of the commissioner.

"There is no claim that the children did not take the prescribed subjects, or failed to attend the prescribed number of days; nor did the children excused miss recitations in any subject.

c. "Counsel for the petitioner contend that so excusing children constitutes a violation to this statute.

(1) "They urge that the requirement to attend for 'the entire time during which the schools are in session' means that it is illegal to excuse a child at any hour within those fixed for the school day.

(2) "They cite and rely upon *Stein vs. Brown*, 125 Misc. 692, as decisive of the question.

"That case is not before us for review and we are not called upon either to approve or disapprove the decision. The facts presented to that court were different from those here. If the case is to be regarded as authority it will be necessary to distinguish carefully between what was said in the opinion and what was actually decided, and limit it to its particular facts."

The purpose and intent of the school law is set forth:

d. "The statute is general in its terms. Its purpose and intent must be



sought in the conditions surrounding its adoption, the purpose to be served and the methods furnished for its administration.

(1) "It was prompted by conditions of illiteracy.

(2) "It was enacted to promote intelligence amongst future adult citizens.

(3) "It deals with children between seven and fourteen years of age.

(4) "It is to be made effective through instruments of its own creation—local and state officers."

A broad construction needed in interpreting compulsory attendance law. Present practices are listed in opinion:

e. "It would be a narrow construction that required every child, physically able, aged from seven to fourteen years, to attend at school every hour of every day the school was in session. It would impose upon children of tender years conditions as drastic and rigorous as those of military law and discipline.

(1) "In some localities with insufficient school accommodations, there are double sessions for different children each day. The construction contended for would require all children to attend both sessions.

(2) "There are occasions when it is imperative that the parents have their children at home for assistance.

(3) "There are other occasions when they require their absence from school because of church or civic celebrations, or

(4) "Purely for pleasure that the family may be gathered together."

The court commends school authorities on their liberal rulings and cites further instances:

"It is to the credit of school authorities that children are readily excused on such occasions and no one had deemed it a violation of the law.

(1) "Those who have had very young children in school know that it is common practice to excuse them after recitation.

(2) "Larger children, lacking only a few subjects for graduation, whose recitations, we will say occur in the forenoon, are then excused and are not required to return.

(3) "At examination time, children are excused except during the hours of examination."

The opinion sums up this discussion as follows:

"These facts are as commonly known as is the fact that they are not illegal."

The reason for state legislation is next considered:

f. "The legislature has not been unmindful of the rights or interests of parents relative to the guidance and control of their children.

(1) "In the interest of the state it has enacted that children must be educated.

(a) "With the great majority this legislation was unnecessary. It was intended to control the action of those delinquent and indifferent, not only to the interests of the state, but of their children.

(b) "There was no legislative policy to interfere arbitrarily with the family relation by oppressive acts.

(c) "Nor is there conflict in policy between the educational authorities and competent, intelligent parents. Both desire that children shall obtain the advantages of education which the state undertakes to furnish."

The rights of parents in education discussed:

(2) "It is natural that parents should wish their children to have religious instruction at any favorable opportunity.

(a) "It is not thought wise

that it should be given directly in the school.

(b) "But when children are assembled, they may be sent elsewhere. We are told that in twenty-three other states there are in force methods similar to those employed here."

Decision is plain on questions of parents' rights, filial duty, obligation to state and place of religion in our system of government:

"The commissioner and local authorities have adopted a benevolent policy in which the interests of both parents and children are considered. They recognize that all education is not acquired in the schools; that except for subjects legally prescribed, the parents may select the studies their children shall pursue; that it is the right of parents to direct the destiny of their children and guide them along paths of filial duty as well as in those of obligation to the state (*Pierce vs. Society of Sisters*, 268 U. S. 510, 535); and that a belief in religion is not foreign to our system of government. (*Holy Trinity Church vs. United States*, 143 U. S. 457, 465; *People vs. Ruggles*, 8 Johns 290, 294.)"

Reference to the state board of education bulletin:

g. "With these conditions in mind the commissioner and his predecessors under general statutory authority, have made rules and regulations interpreting and supplementing this compulsory education statute.

(1) "A 'bulletin' containing some of these rules has been generally circulated.

(a) "It gives notice to school officers that at the parent's request a pupil may be excused one-half day weekly for music lessons.

(b) "Likewise, children may be excused 'on days set apart for religious observances and instruction.'

(c) "The practice is general

in the schools at the request of parents to excuse children to participate in church or religious festivals, and to attend confirmation classes and other religious instructions.

(d) "The commissioner delegates to local authorities the matter of excuse for absence saying, 'It is a matter of common knowledge and experience that no inflexible rule or set of rules can be established arbitrarily controlling the entire subject of excusable absences that will work justice in all cases and under all conditions.'"

Department of education's policies "reasonable and just:"

"All these policies which naturally impress the liberal mind as reasonable and just, could not have been adopted if there had been blind and stubborn adherence to the strict letter of the statute. In its administrative work the department had followed the broad intent of the law. It has put in operation familiar principles of justice toward both pupil and parent, while accomplishing the purpose of education."

The final series of decisions is definite and clear cut:

"We recognize that parents have as much right to have their children receive religious instruction as instruction in music during some portion of the school week.

"We give weight to the practical construction of this statute by those men of high character, who have been chosen to enforce it, and who have acted conscientiously and with trained skill in performing difficult duties.

"Such interpretation generally acquiesced in for a considerable period of time, is a circumstance of great importance in determining what construction should now be put upon its terms. (*Grimmer vs. Tenement House Dept.*,

205 N. Y. 549; *Bullock vs. Cooley*, 225 N. Y. 566, 571.)

"Absences occurring through being thus excused, do not amount to irregular attendance. There is no such iron rule for attendance as appellant has invoked.

"The State by its educational policy seeks to build from its youth useful citizens of intelligence and character—not merely pedants and philosophers.

"In following this policy it should not only consider the wishes but invite the aid of parents. When the wish of parents for weekday religious instruction for their children involves no serious interruption to school attendance, the state can have no purpose to defeat it.

"If local school authorities render their assistance by methods so innocuous as those detailed here, it does not amount to illegality.

"Reasonableness in the method adopted is the test of such legality.

Neither the local school officers nor the Commissioner of Education have here violated that rule.

"When the genuine infractions of constitutional or statutory provisions relative to schools arise, the courts are not unready or unwilling to condemn them. (*People ex rel Roman Catholic Orphan Asylum vs. Board of Education*, 13 Barb. 400; *O'Connor vs. Hendrick*, 109 App. Div. 361, affd. 184 N. Y. 421; *Smith vs. Donahue*, 202 App. Div. 656.)

"The order should be affirmed with costs." (Note: The costs attached by Justice Staley were \$50.00.)

Mr. Joseph Lewis, president of the Freethinkers' Society, has served notice through the press that he will appeal the case to the Supreme Court of the State. With that decision, however, the case must rest, as the technical question of peremptory mandamus against the state board of education is not, in the opinion of legal advisors, appealable to the United States Supreme Court.

## RECENT COURT DECISIONS IN NEW YORK STATE AFFECTING WEEK DAY RELIGIOUS EDUCATION

T. BASIL YOUNG\*

The question of the legality of released time is being adjudicated in New York State. The petitioner in the case is Mr. Joseph Lewis, president of the Free-thinker's Society; the respondent, Dr. Frank Pierrepont Graves, Commissioner of Education of the State of New York.

### *Importance of the Suit*

More than ordinary interest attaches to this suit not only because of its relation to the future of religious education in New York State but because, also, of the possibilities of its influence beyond

the state in the event of an appeal to the United States Supreme Court. It is highly probable that an attempt will be made to have a decision from the highest court of the land. This is evident from statements made by the president of the Free-thinker's Society and also from the following statement by the president:

"We do not intend to relax in the slightest degree our efforts to carry this case to the court of the last resort. We have the utmost confidence in the ultimate victory for the secular principle for which the Revolutionary patriots pledged their lives,

\*Secretary of the Leadership Training Division, New York State Sunday School Association, Albany.

their fortunes, and their sacred honor. In instituting this fight, we believe that we are performing the highest duty of citizenship."

The motive for this suit is expressed by Mr. Lewis in the following words contained in a recent letter to the writer:

"Our fight in this case is based upon the desire on our part to preserve the integrity of the American principle of the separation of the church and state. We firmly believe that any method whereby the public schools of this state are used by the churches to further their aims, is not only a violation of the spirit of the constitution, but also the letter.

"If, to dismiss children at the request and instigation of the church for the purpose of receiving religious instruction through the instrumentality of the public schools and its machinery, is not a connection of the church and state, then what name would you apply to this alliance?

"The mere segregation of the pupils into religious groups, particularly in the public schools, is abhorrent and obnoxious to all true Americans who look forward to a time when racial prejudice and religious bigotry will no longer menace the peace and happiness of the people.

"We are unalterably opposed to any connection, of any kind, though it be in the smallest degree, where the churches are to dictate or to supervise the education of the children of this country, and we believe that the week-day religious plan, as now in practice, is but an entering wedge which will eventually be the means of converting our public schools into parochial schools. Every true American, whether he be of the Protestant, Catholic, or Jewish origin, should oppose this measure to his utmost, in order that our children may be protected from the virus of

religious hatred and prejudice, and that the principles which your forefathers so heroically established, shall not perish."

The Freethinker's Society is an organization with headquarters in New York City. Among those affiliated with the organization who are known nationally are Luther Burbank (deceased) and Clarence Darrow. The officers of the society are: President, Joseph Lewis; First Vice-President, James I. Elliot; Second Vice-President, Dr. Charles A. Andrews; Attorney, John C. Mahon; Honorary Vice-Presidents—Luther Burbank (deceased), Clarence Darrow, Clarence H. Low, Mrs. Eva Ingersoll Brown, Mrs. Maude Ingersoll Probasco, Mme. Olga Petrova.

#### *History of the Case*

In February, 1925, the board of education of Mt. Vernon passed a ruling permitting parents of children of the fifth and sixth grade to withdraw their children from the public school forty-five minutes each week for the purpose of receiving religious instruction. It was understood that this instruction should be in the churches. The board of education printed a card for parents to sign. They were to indicate on this card the particular church they desired their children to attend for religious education. An attendance card was also printed by the board of education. This was to be used by the teacher of the class which the children attended, as a guarantee to the board that the children were really receiving this instruction in the churches.

The Freethinker's Society through one Stein requested an injunction on the following basis:

1. That the dismissal of the children constitutes curtailment of regular hours of secular education.
2. That the state law providing curriculum materials to be taught during the public school hours makes no mention of religious

materials and therefore religious education was not permitted by state law.

3. That the action violated the constitution by joining church and state. :
4. That the printing and distribution of cards to parents and teachers and the misuse of public school teachers' time constituted an illegal injury and damage to the plaintiff in his capacity as tax payer.

The case came before Justice H. F. Seeger, Supreme Court Justice for the ninth judicial district. In June, Justice Seeger granted an injunction against the Mt. Vernon board of education. No appeal was ever taken to the higher courts from his decision.

In September 1925 White Plains, disregarding the decision of the court, although in the same judicial district as Mt. Vernon, began week day religious education, and Mr. John W. Lombard, superintendent of public schools in White Plains, began dismissing children thirty minutes once each week, before the termination of the regular school period.

The Freethinker's Society, encouraged by the decision of Justice Seeger, began proceedings to prevent the public school system of White Plains from granting released time. The demand was first made upon the public school authorities to discontinue that plan. Upon the refusal of Superintendent Lombard to comply, a demand was made in October, 1925, upon Dr. Frank Pierrepont Graves, Commissioner of Education of the State of New York, to order the public school system of White Plains to discontinue its school regulation, permitting the children to be excused for religious instruction "and to notify all school officers of all districts and cities throughout the state of the illegality and inadmissibility of any such regulation and to order its discontinuance wherever in force."

Dr. Graves refused to comply with this

demand, whereupon mandamus proceedings were begun against him. He was ordered to show cause at a special term of the Supreme Court in Albany, why he should not comply with the demand of the Freethinker's Society.

On the publication of this order the New York State Sunday School Association took measures to back the commissioner of education in the suit. A committee was formed representing the New York State Sunday School Association and the Greater New York Federation of Churches.

The decision of the Supreme Court, denying the application of the Freethinker's Society, was handed down by Justice Staley on April 24. Appeal was then made to the Appellate Division of the Supreme Court. The hearing on this appeal was held on November 11, and the decision handed down by Justice Davis on January 5. The previous order denying the writ of mandamus was affirmed. We are advised by the President of the Freethinker's Society that preparation is now being made for appeal to the Court of Appeals.

#### *Questions of Law*

The following questions of law are involved in the case:

1. Does the rule adopted by the board of education of White Plains violate the provisions of the state constitution relative to aid in denominational schools?
2. Is there a violation of the compulsory education law of the state? There are the following points to be considered in relation to the state compulsory attendance law:
  - a. May the compulsory attendance law be so construed and applied as to permit the board of education of a city or union free school district to adopt a regulation permitting children to be excused during school hours to attend upon outside religious instruction?
  - b. Are excuses to children for attend-



ance upon outside religious instruction during a period of thirty or forty-five minutes one day in each week "occasional absences" from attendance upon public school instruction "not amounting to irregular attendance in the fair meaning of the term" as authorized in the compulsory attendance law?

- c. Does the power conferred upon the boards of education to prescribe courses of study and establish rules and regulations for the administration of the school system confer upon such boards of education the discretionary power of fixing the hours of the daily session of the public schools?
- d. Does the statute in imposing upon the commissioner of education the duty to "supervise the enforcement of the compulsory attendance law" permit him to exercise judgment in determining the manner of enforcement?

The laws of New York State involved are:

1. Article 9, Section 4, of the state constitution, which provides:

"Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used directly or indirectly, in aid or maintenance, other than for examination or inspection of any school or institution of learning, wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught."

2. The following sections of the state Education law:

Sections 94 and 96 which have to do with the duties of the commissioner of education.

Section 620, which provides that:

"The instruction required under this article shall be at a public elementary school in which at least the nine common school branches of reading, spelling, writing, arithmetic, English language, geography, United States history, civics and hygiene are taught in English."

Section 621 which deals with the matter of attendance:

"Every such child residing elsewhere than in a city or school district having a population of 4,500 or more, and employing a superintendent of schools, shall attend open instruction during the entire time that the school in the district shall be in session as follows:"  
 \* \* \* "The period of which any such school shall be in session shall not be less than 180 days of actual school days."

Section 623, which provides that:

"If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which the child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like

cases by the general rules and practice of such public school."

Section 636, which provides that:

"The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment, continue.

Section 868, which deals with the power of city boards of education.

#### *Court Decisions*

1. *As to the violation of the constitutional provision relative to aid in denominational schools.*

The White Plains proceedings differs materially from the Mt. Vernon case where public school property was used for the printing of the excuse cards which were printed in the school of industrial arts by the pupils. There was no such unlawful use of property at White Plains.

The petitioner attempted to show that in the White Plains case there was a misuse of public money contrary to the provisions of the constitution because the teachers distributed and received the cards upon which the parents made requests for the absence of their children to attend upon religious instruction and noted the fact that the excused scholars actually attended.

Justice Staley ruled however, that this was not a violation of the provision of the constitution:

"The thing prohibited by the constitution is the use of public property and money for the designated purpose, and where there is no such use there is no basis for just claim of constitutional violation."

The Appellate Division on the appeal ruled that:

"There was no property or public money used in aid or maintenance of any denominational school. Cards, not provided by the school, were distributed and the parents indicated thereon the place they wished their children to go for instruction. It was entirely voluntary with the parent whether the child was excused. There was some "check up" afterward to indicate whether the privilege should be withdrawn. All that the petitioner can claim in regard to public expense is the time spent by the teacher during school hours in thus receiving and issuing the cards, excusing the child, and ascertaining, if possible, if the parent's direction has been obeyed. The acts of the teacher are the same as when excusing a child to attend any religious or secular ceremony at its parent's request. It is a part of ordinary school routine and discipline. The constitution is designed for practical purposes and deals with realities, not fictions or conditions largely imaginary. It is intended to operate benignly in the interest of the governed. It should receive a broad, not a petty construction. Its commands are not violated by acts so trivial and remote."

2. *As to the violation of the law on compulsory attendance.*

The sections of the law dealing with this matter have been quoted above: viz., Sections 620, 621, 623, 636.

The counsel for the petitioner contend that the provisions of the constitution and of the education law to attend for "the entire time during which the schools are in session" make it illegal to excuse a child at any hour within those fixed for the school day, and render it the positive duty of the commissioner of education to restrain the further continuance of this practice in White Plains and all other places in the state permitting similar practice.

In this contention the petition was supported by Justice Seeger in the Mt. Vernon case. He ruled that Section 620 of the education law

"prescribes the instruction required in the public schools. Religious instruction is not one of them. Consequently it would be unlawful and not authorized for a board of education to substitute religious education in the school in place of the instruction required. To permit the pupils to leave the school during the school hours for religious instruction would accomplish the same purpose and would, in effect, substitute religious instruction for the instruction required by law."

Justice Staley in the mandamus proceedings against the commissioner of education in his decision handed down on April 24 stated:

"The intent and purpose of the compulsory education law, was to require instruction in the specific subjects for a school term of minimum school days, and enforce attendance, subject to the exceptions of the law, during the time schools shall be in session. If attendance is had for the required time subject to and within reasonable regulations of the school authorities, and instruction is adequately and appropriately given, there is a compliance with the law.

"The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations (*Pierce vs. Society*, 268, U. S. 510).

"The board of White Plains or any school board and the commissioner in their exercise of discretion in the determination that a rule, which accedes to the request of parents to excuse their children thirty minutes a week for religious instruction, constitutes an absence

not amounting to irregular attendance in the fair meaning of the term, may properly give consideration for their guidance and sound judgment to the utterance of the United States Supreme Court, above referred to, and to the appealing weight of the following propositions:

That the right of the parent to direct the training and nurture of the child is a fundamental right;

That the obligations of citizenship require the promotion of a spirit of patriotic and civic service and the fostering in children of moral as well as intellectual qualities;

That religious conscience, conviction, and accountability, are the least dispensable foundations for good citizenship and real patriotism;

That moral growth and intellectual growth go hand in hand to make the essential elements of character and good citizenship;

That the right of the state to enforce school attendance does not mean that the mental and moral development of all children must be limited to a common mould, and that all children must be standardized;

That the regulation does not create a union between church and state, or teach any sectarianism in the schools or invade the religious freedom or conscience of any individual.

In handing down the decision of the Appellate Division Justice Davis stated:

"It is natural that parents should wish their children to have religious instruction at any favorable opportunity. It is not thought wise that it should be given directly in the school. But when children are assembled, they may be sent elsewhere. The commissioner and local authorities have adopted a benevolent policy

in which the interests of both parents and children are considered. They recognize that all education is not acquired in the schools; that except for subjects legally prescribed, the parents may select the studies their children shall pursue; that it is the right of parents to direct the destiny of their children and guide them along paths of filial duty as well as in those of obligation to the state; and that a belief in religion is not foreign to our system of government.

"We recognize that parents have as much right to have their children receive religious instruction as instruction in music during some portion of the school week. We give weight to the practical construction of this statute by those men of high character, who have been chosen to enforce it, and who have acted conscientiously and with trained skill in performing difficult duties. Such interpretation generally acquiesced in for a considerable period of time, is a circumstance of great importance

in determining what construction should now be put upon its terms. Absences occurring through being excused thus, do not amount to irregular attendance. There is no such iron rule for attendance as appellant has invoked.

"The state by its educational policy seeks to build from its youth useful citizens of intelligence and character—not merely pedants and philosophers. In following this policy it should not only consider the wishes but invite the aid of parents. When the wish of parents for week-day religious instruction for their children involves no serious interruption to school attendance, the state can have no purpose to defeat it. If local school authorities render their assistance by methods so innocuous as those detailed here, it does not amount to illegality. Reasonableness in the method adopted is the test of such legality. Neither the local school officers nor the commissioner of education have here violated that rule."

## CHURCH SCHOOL AND PUBLIC SCHOOL STANDARDS

Articles published in RELIGIOUS EDUCATION frequently provoke thoughtful correspondence from members of the Association. We seldom publish such letters, partly because of the space such practice would require. Occasionally, however, we must break the rule. The article by Professor Betts, published in the January issue, has inspired a number of letters—strongly disagreeing with the positions taken there. Two of these letters are significant enough for publication, and we give them below.

The first is from Mrs. Adele Tuttle McEntire, for many years teacher of a very successful high school credit class for girls in Topeka, Kansas. The second

is from Mr. Isaac B. Burgess of Eatontown, New Jersey, for many years a public school teacher, for a time president of a board of education, and for fourteen years employed as a religious educator in a field which required constant travel among Sunday schools.

### I

#### *The letter of Mrs. McEntire*

Today I picked up the January issue of RELIGIOUS EDUCATION, with the intention of reading it right straight through. As is always the case, it gives promise of being very interesting, but Dr. Betts' article caught my immediate attention, lured me into just a little different line of thinking, and here I am

at the typewriter for I would like to share with you some of the thoughts which it awakened as to what it means to be "a Sunday school teacher whose knowledge of the subject matter, of the child and of the technic of instruction compares in general effectiveness" with that of the public school teacher.

Before my marriage I taught in the department of natural science both in high school and in college; since then, I have been teaching, in the Sunday school, folk of exactly the same age. Assuming, just for the sake of the argument, that my own work in the Sunday school classroom compares not unfavorably with my own work in the laboratory, may I make a comparison as to my opportunities for preparation in the two fields of endeavor? Let me say quite emphatically that, of the two, my Sunday school teaching has offered the greater challenge in every possible way—as to subject matter, the wider range of correlated knowledge drawn upon, purposes and ideals for my pupils, the necessity for constantly increasing research and study. But what of the training for the two?

I look back upon those long hours of quiet, orderly step-by-step progress in the sciences when foundations were being laid as methodically as bricks are built into a wall. To be sure, this training was followed by a study of pedagogy, psychology, history of education, and methods, but this course was brief in comparison and it was the actual work in the laboratory that made it possible for me to teach physics, chemistry, geology and kindred subjects.

I was reared in a Christian home and educated in a denominational college and I accepted my first Sunday school class under the delusion that I had a knowledge of the subject matter which I was to teach. But it was for me to discover that while I had learned a little *about* the Bible and its teachings, I did not *know* the Bible. Never in all my ex-

perience, neither in the Sunday school, nor in the home readings—and I had privileges far beyond those usually accorded a child—nor in my college Bible classes had I had any study of the Bible that revealed it to me as a gradually unfolding drama dealing with the mightiest theme and climaxing with the loftiest Hero of all history and of all literature. In order to be a Sunday school teacher, I had to go to school again but the only way I could do this was to build up a university in my own living-room and attend its sessions in between the multiplied tasks which are the first responsibility of a housekeeper. It is true that I could quite literally "sit at the feet of the masters" and could choose my own professors, but that required a financial investment beyond the amount usually included in a Sunday school teacher's budget and it took a knowledge of where and how to buy books. Our local libraries were of little value. Even my pastor's library was a preacher's and not a teacher's library.

After I had learned my subject matter and eventually had "curriculum material fitted to accomplish these objectives," then it came to pass that my "pupils' study, mastery of facts, ability to recite, ability to pass examinations" equalled, if not excelled, like records made by high school and college students whom I used to meet in the laboratory.

It is because of considering these first three steps in Dr. Betts' analysis that I want to emphasize a point which I am trying to make and without which constructive comment there would be no justification for troubling you with these reminiscences. It was *during my teen years* that I was given the foundation training in natural sciences. This was the largest and the most valuable part of my education and if it had not come then, it would have been too late. Neither would any amount of pedagogy nor psychology nor methods ever have made it possible for me to teach geology and



chemistry. Now, I am applying that same principle to the problem of the training of the future Sunday school teacher.

This is not a plea for the high school credit work, though that offers advantages and opportunities that are often neither understood nor appreciated by leaders in the field of religious education, but it is emphasizing the need for a splendid course in *consecutive Bible history* to be given during the *teen years* where it psychologically belongs. To my way of thinking, this seems an essential need if ever we are to have efficiently equipped Sunday school teachers. The wider my contacts with teen age folks themselves and with their mothers and their teachers, the more firmly am I persuaded of this.

Let me add just a word about some of Dr. Betts' other points. There is no question but that inadequate financial support is a tremendous problem and a vital factor in the administration of our Sunday schools. But money alone does not solve the problem of finding teachers who possess the fundamental requisites for teaching the Bible. In our own school, equipment is ample and money is available to make the work successful from that standpoint. And yet, with a membership of fifteen hundred, we have searched for years for just one teacher who would give to our teen age boys the opportunity for which those boys are actually eager and to which they would gladly respond,—a high school credit class like the one the girls have. I could write a book analyzing the reasons why such a teacher has not been secured. The biggest single reason offered by those who would otherwise be fitted is, "I do not know enough about the Bible to teach it that way."

In the next phases which Dr. Betts analyzes—grading and promotion, classrooms and equipment—our school as a whole would grade very high, and in this high school credit work especially, I

think it would score 100 per cent or perhaps better. Even so, the "parents' co-operation" would not grade so well and we secure our excellent records of attendance and punctuality through sheer personal effort. I doubt if any Sunday school teacher ever receives warmer appreciation than comes to the high school credit teacher—that is not alone my experience but other teachers with whom I am in touch have the same joy. Many parents do co-operate, but granting all of that, there never was a chemistry teacher who listened to the manifold excuses for absence or tardiness: "we had company," "it was such a lovely day for a drive," "she needs sleep on Sunday morning," "her music lessons take so much time," etc., etc. This feature of the parents' lack of co-operation impresses me as most serious, at least in this one study of the situation, in the influence that it is having in shaping teen age ideals. Incidentally it is my own feeling that today's parents lack the vision because they themselves were not rightly taught nor inspired during their own impressionable teen years. It is my belief that this accounts for the trivial excuses which are offered; to a surprising extent, there are mothers who say, "I tried to persuade her not to undertake the work because her school studies are so heavy;" and the pitiful little sums of money which are given to these teen age folk for their offerings teach them to undervalue the Sunday school and its service work financially. It all means that it is the task of the teacher to overcome, as much as is possible, this negative influence.

This is a long preamble, but it took all of it to set up this one proposition in which I am growing intensely interested. I made this suggestion first to the group of high school credit teachers—actual and prospective—who attended my class in the community training school this last fall, and it won their hearty assent. We, more than any other group, realize both the difficulties and the opportunities of

work of this kind, and it was my suggestion that, locally, we stress, in every way that we have opportunity, the *importance* and the *future value* to our Sunday schools in giving to these teen age folk who are to be our future leaders this foundation training in *consecutive Bible history*. It is true that this type of study appeals only to students, and they are in the minority, but it is this very minority that has within it the possibilities of constructive leadership. Too long in our Sunday schools we have been setting our standards and ideals with the thought of holding the majority. They ought to be cared for and they ought to be held, and they still can be, by the same methods that have prevailed. But what would be the ultimate outcome if our leaders, for a time, without abandoning the methods necessary to hold the majority, yet turned their attention and directed their energies to the education and the training of the few, won them by high standards of scholarship, and gave them, during their teen years, their foundation knowledge of the Bible?

Yes, I know the difficulty of procuring teachers for them, but that is largely because present-day teachers did not have like opportunity in their teen years. No amount of standard training courses can ever quite compensate for this loss. It is true that in a movement of this kind progress would have to be slow—perhaps very slow—but even tiny classes and those quite scattered would eventually make their influence felt. This work has been under way for a sufficient number of years here in Topeka to prove my point, and that in spite of the fact that our Sunday schools have failed to provide adequate additional training opportunity for graduates from these classes—which step is almost as vital as the foundation courses in biblical knowledge.

Thank you for your patience in letting me think right out loud on the typewriter in this way. Now I am going back to finish that magazine from the perusal

of which I was so suddenly diverted.

## II

### *Letter of Mr. Burgess*

My experience gives me special interest in the article by Professor Betts in the January number, comparing the Sunday school and the public school.

I do not strongly object to the "composite estimate" of the two hundred people, though I think it somewhat too low. The estimate of the directors of religious education seems to me best of the three.

I do object strongly, however, to Professor Betts' individual estimate in spite of his high, well-earned repute in religious education, and for two reasons: (1) It is not sustained by the facts, (2) It is destructive of hope and effort.

Will you kindly give me a little space to justify these statements?

Professor Betts over estimates the public school, under estimates the Sunday school. At the top of page 64 he clearly implies that public school teachers are expected to pass an examination in the "psychology of the child and the technic of instruction." But there are thousands of public school teachers who have studied no psychology and are not even graduates of a high school, to say nothing of a normal school. On the same page he says that the public school "takes for granted reference books, blackboards, pictures and other needed equipment." Now, it is not a week since I read a Rhode Island paper which said that the state superintendent of schools was asking state help for the smaller towns, many of which were paying only \$900.00 a room to maintain school, whereas they needed \$2,500.00 a room. Not much "needed equipment" in those towns. This is by no means exceptional, for according to Ayres *Index Number of State School Systems*, just one-half of the states of the Union are rated lower than Rhode Island, or were in 1918.

Have you time to listen to a witness who should be outstanding in information and authority? I refer to the U.

S. Commissioner of Education. There lies before me *The Child; His Nature and His Needs*, published in 1924. To this book Commissioner Tigert has contributed a chapter entitled "The Need of Bridging the Gap between our Knowledge of Education and our Educational Practice." He says that until the last few decades we have had no scientific knowledge of education, and that the time which has elapsed since such knowledge was gained by educators has been far too short to secure its diffusion and application in the school rooms all over the country. Prof. Betts mentions political control as a handicap in diffusing such knowledge. Dr. Tigert adds "Conservatism among Teachers," "Popular Control" making it necessary to persuade the taxpayers, "Changing Conditions outside the Schools," and "the Necessity of Training Teachers."

How far has this process of putting scientific knowledge of education into practice advanced?

Dr. Tigert, p. 328, "Because of the recentness of the scientific method, most of our educational knowledge and practice is still based upon traditional beliefs. In consequence, a major part of educational practice is unsupported by scientific experiment and still is a matter of controversy, debate and arbitrary decision."

p. 336, "Most of the chief educational officers of the state are elected upon a partisan ticket in a political campaign. (34 out of 48.)"

p. 338, "Teacher training is still an unsolved problem in American education and most of those teaching in our schools do not have the proper professional preparation."

p. 344, Quoted from Meriam, *Child Life and the Curriculum*, with approval, "The traditional elementary school curriculum still generally in use is Aimless, Lifeless, Disconnected, Congested, Wasteful, Untimely."

These quotations serve to show that

public schools are still far from perfect, but we must not suppose they fairly represent the drift of Dr. Tigert's paper. That is hopeful because he instances outstanding cases in which scientific method is applied and is optimistic as to the country as a whole. Why can we not feel the same way as to the Sunday school? Professor Betts seems to me to fix his attention too much upon defects and not enough upon progress, especially the accelerated progress of the last 24 years since The Religious Education Association was formed.

I should like to justify the three highest ratings of the directors of religious education in contrast with Prof. Betts, viz: "Teaching and teaching efficiency 51%; Curriculum fitness and value 57%; and net results or outcome 55%." As to the first, "Teaching, etc." I do not for a moment maintain that as large a proportion of Sunday school teachers have professional training as public school teachers, but only that Professor Betts is wrong in implying that practically all public school teachers have such training, and I have tried to prove my contention by facts and quotations above. Again, many Sunday school teachers, both men and women, have professional training secured at normal school, at college, at theological seminaries, at normal classes. Besides women now teaching in the public schools and also in Sunday school, there are many married women, formerly trained day school teachers, who have added to their former equipment the breadth of feeling, of sympathy, of power to guide, that comes with motherhood.

As to the Sunday school curriculum, it is probable that the statement that 60% of pupils are using ungraded lessons was made before the group graded lessons now coming out were issued; at any rate the issue of those lessons by the International Lesson Committee and the denominations is sure greatly to increase the number of pupils using graded material. Again, the 60% includes the

large number of young people and adults to whom the uniform lessons are well adapted. Indeed, though the lack of diversity in courses for adults is to be sincerely regretted, the uniform lessons may be regarded as group graded lessons for adults.

I have before me the "Senior Quarterly for Young People and Adults," issued by the Northern Methodists. It is printed clearly, on good paper, and contains illustrations appropriately chosen and well executed. The lesson comments either in the quarterly or in the monthly teacher's magazine which accompanies it are furnished among others by E. Leigh Mudge, Harris Franklin Rall, Mary E. Moxcey, Bishop F. J. McConnell. I speak of the Methodist quarterly because it goes to the largest number of users. Other large denominations are not far behind.

Lastly, why do the directors of religious education rate the Sunday school at 55% upon "net results or outcome" while Professor Betts rates it at 25%? I fancy because they believe that the smaller classes of the Sunday school give the teacher a better chance for understanding the pupil, because they know that the

Sunday school teacher visits the home of the pupil more than the public school teacher, because class organization is more and more making the teacher a leader in broadening the life of the pupil through social gatherings in the home, picnics and camping in the summer, and service activities all the year; because many remember their teachers as guides and helpers in Christian decision; because they have seen their teachers year after year at great personal sacrifice, and under severe limitations as to equipment, giving themselves to teaching for no other consideration than the love of God and youth. They doubtless thought these various life experiences atoned for some lack of knowledge of subject matter and of psychology.

I am simply pleading for a broad, well-balanced judgment, avoiding extremes in either direction.

But enough has been accomplished in Sunday school improvement to give ground for high hopes. The Sunday school workers are the cream of the churches and the Sunday school, with noble incentives and wise, whole-hearted leadership, is the most sensitive to improvement of any institution on earth.

## WHAT COLLEGE STUDENTS THINK OF SUNDAY SCHOOL

HERBERT A. STURGES\*

As a step in a functional analysis of the modern Sunday school a questionnaire on the purpose and teaching of the Sunday school was presented to students of introductory sociology, mostly sophomores in the State University of Washington. Many partial sets of answers were received, the lowest number of votes recorded on a proposition being one hundred and twenty-four, the median number one hundred and twenty-nine, and the highest one hundred and forty-four.

\*Professor in Washburn College, Topeka, Kansas.

It is not intended to assume that students' minds are finally made up on these matters; many changes will occur from their present beliefs, attitudes, and opinions. Perhaps the changeability of students' opinions is greater than that of the community in general; studies along this line would be interesting and profitable.

The fundamental concept in a functional analysis is that of end or object. First of all, therefore, we have endeavored to ascertain from these students what they consider to be the

purpose of the Sunday school, what they think it ought to accomplish. The propositions most favored are that it is the purpose of the Sunday school to prepare for church membership and to develop moral character, both of these propositions receiving the affirmative votes of ninety-nine percent of the one hundred and forty-four voting on them. The salvation of souls from sin is shown by Table I to be the next most favored proposition, receiving the vote of "Yes" from ninety-two percent of those voting.

It was intended to study the teachings of the Sunday school in the light of their estimated effect on its purpose. The first proposition in Table I bears on this association, ninety-nine percent

being of the opinion that the successful achievement of its purpose by the Sunday school depends at least partly on the character of its teaching. The principal general question asked about the character of present-day Sunday school teaching is carried in proposition ten; fifty-one percent of one hundred and forty-three students voting on this proposition on the whole continue to believe what was taught to them in Sunday school. A general deficiency is indicated, since eighty-nine percent believe that the Sunday school, for the successful achievement of its purpose, should teach such ideas to children as they will continue to believe when they grow up.

TABLE I  
PERCENTAGE OF COLLEGE STUDENTS VOTING "YES" ON  
PROPOSITION

| Propositions:   | Percentage |
|---|------------|
| 1. The successful achievements of its purpose by the Sunday school depends at least partly on the character of its teaching.....                  | 99         |
| The purpose of the Sunday school includes:  |            |
| 2. the development of moral character .....   | 99         |
| 3. preparation for church membership .....  | 99         |
| 4. preparation for intelligent citizenship .....  | 85         |
| 5. salvation of souls from sin.....   | 92         |
| 6. salvation of souls from eternal punishment .....   | 73         |
| 7. preparation of souls for immortality in heaven .....   | 78         |
| The conditions for the successful achievement of its purpose by the Sunday school include teaching ideas to children:                             |            |
| 8. which they will reject when they grow up .....   | 13         |
| 9. which they will continue to believe when they grow up.....   | 89         |
| 10. On the whole do you continue to believe what was taught to you in Sunday school? .....  | 51         |
| Are the teachings of the Sunday school (as observed by you) favorable to the purpose of the Sunday school (as understood by you) in these points: |            |
| 11. the kingdom of God.....   | 72         |
| 12. miracles .....  | 64         |
| 13. prayer .....  | 90         |
| 14. the Bible .....   | 80         |
| 15. salvation .....   | 71         |
| 16. the soul .....  | 76         |
| 17. the last judgment.....  | 56         |
| 18. heaven .....  | 64         |
| 19. hell .....  | 53         |
| 20. other religions .....   | 50         |



It was inquired about each of ten branches of doctrine whether or not the students considered that the teachings of the Sunday school along these lines, as observed by them, was favorable to the purpose of the Sunday school, as understood by them. To ninety percent of the one hundred and twenty-five students voting on these propositions the teachings of the Sunday school on the subject of prayer seem favorable to the Sunday school's object. The next most favored branch of teaching is that in regard to the Bible, approved by eighty percent. The Sunday school's teaching about the kingdom of God, salvation, and the soul, are favored by percentage votes in the seventies; miracles and heaven being in the sixties, the last judgment, hell and other religions receiving votes of less than sixty percent.

These general opinions in Table I may be worthy of most careful attention. There is considerably less than maximum efficiency of Sunday school teaching when, on the average, only sixty-seven percent of this group of college students consider the teachings of the Sunday school as favorable to its purpose, meaning that on the average one college student in three withholds his approval.

#### *Specific Teachings*

Various biblical and orthodox doctrines, together with some liberal interpretations, are presented systematically in Table II, together with the results of students' answers, arranged in three columns. The students were asked (1) was this taught in Sunday school? (2) did you believe this when you went to Sunday school? and (3) do you believe it now? The percentage voting "Yes" on the various propositions is recorded in the appropriate columns. Let us compare the figures in the first column, indicating Sunday school teachings, with those in the third column, indicating students'

opinion while attending college.

The principal classification might be according to whether a proposition was more favored by college students, or less favored than in Sunday school teaching, with an intermediate class for those about equally favored. Among the teachings presented, only seven were more favored by students attending college than in the teaching of the Sunday school, numbers 3, 6, 7, 8, 10, 26 and 34, most of these being liberal rather than orthodox propositions. The greatest increase is in numbers 7 and 8, on scientific investigation of social conditions, and democratic education as means of the kingdom of God. The indications are that college students are more favorable towards a social interpretation of the gospel than were the Sunday schools where they received their first lessons in Christianity. It is possible that this represents a time difference, and that a social interpretation is now being taught in Sunday schools to as general extent as it is believed in by college students.

The margin of error in reports of Sunday school teachings in column one is clearly considerable. Propositions 25 and 26 seem fairly contradictory, but there is an overlapping of seven percent of students reporting that both are taught in Sunday school, while this overlapping does not occur in the second or third column. However, the indication seems to be that the doctrine of biblical infallibility is more prevalent in Sunday school teaching than that of human fallibility, while the majority of college students believe that the Bible is a human product subject to the limitations and errors of its authors. This result seems incompatible with the satisfaction of eighty percent of the students with the teachings of the Sunday school about the Bible. Further investigation would be required to find the complete truth.

TABLE II  
SUNDAY SCHOOL TEACHINGS, STUDENTS' BELIEF IN SUNDAY  
SCHOOL, AND STUDENTS' BELIEF WHILE  
GOING TO COLLEGE

| Propositions:   | Taught<br>in<br>Sunday<br>school | Believed<br>in<br>Sunday<br>school | Believed<br>while<br>going to<br>college |
|---|----------------------------------|------------------------------------|--|
| The meaning of the kingdom of God includes:   |                                  |                                    |  |
| 1. the literal second coming of Jesus Christ .....  | 80                               | 78                                 | 49                                       |
| 2. the rescue of the world from such things as poverty<br>and war .....   | 84                               | 77                                 | 65                                       |
| The location of the kingdom of God is:  |                                  |                                    |  |
| 3. on earth .....   | 25                               | 22                                 | 46                                       |
| 4. in heaven .....  | 73                               | 74                                 | 42                                       |
| The means of the kingdom of God include:  |                                  |                                    |  |
| 5. the literal second coming of Jesus Christ .....  | 57                               | 56                                 | 32                                       |
| 6. social progress, and regeneration by human agencies .....  | 38                               | 33                                 | 53                                       |
| 7. scientific investigation of social conditions .....  | 20                               | 15                                 | 50                                       |
| 8. democratic education .....   | 36                               | 27                                 | 62                                       |
| The meaning of God includes:  |                                  |                                    |  |
| 9. a literal, visible, audible person .....   | 32                               | 37                                 | 11                                       |
| 10. a symbolic personification of human virtues and<br>ideals .....   | 60                               | 58                                 | 67                                       |
| 11. God saved Lot from Sodom .....  | 80                               | 82                                 | 53                                       |
| 12. God saved Noah from the flood .....   | 95                               | 98                                 | 66                                       |
| 13. Jonah spent some time inside a whale .....  | 91                               | 83                                 | 28                                       |
| 14. Jesus had no human father .....   | 75                               | 72                                 | 48                                       |
| 15. Jesus turned water into wine .....  | 91                               | 88                                 | 58                                       |
| 16. Jesus walked on the water .....   | 89                               | 88                                 | 59                                       |
| 17. Peter walked on the water .....   | 72                               | 69                                 | 46                                       |
| 18. Jesus multiplied a few loaves and fishes so as to<br>satisfy five thousand and provide several bas-<br>kets full of leftovers ..... | 95                               | 92                                 | 65                                       |
| 19. Jesus brought Lazarus to life .....   | 89                               | 86                                 | 65                                       |
| 20. Jesus came to life after being dead .....   | 95                               | 94                                 | 71                                       |
| 21. In case of sickness or danger prayer may be the<br>means of saving life .....   | 91                               | 84                                 | 68                                       |
| 22. Prayer may affect the weather .....   | 51                               | 45                                 | 24                                       |
| 23. Prayer may affect personal prosperity .....   | 84                               | 80                                 | 57                                       |
| The Bible is:   |                                  |                                    |  |
| 24. the inspired revelation of God .....  | 88                               | 85                                 | 64                                       |
| 25. infallible in every part .....  | 59                               | 52                                 | 22                                       |
| 26. a human product subject to the limitations and error<br>of its authors .....  | 48                               | 47                                 | 70                                       |
| The meaning of salvation includes:  |                                  |                                    |  |
| 27. counting the crucifixion of Jesus as punishment of<br>your sins, so you are let off .....   | 56                               | 55                                 | 34                                       |
| 28. repentance for wrong conduct and turning to better<br>ways .....  | 89                               | 87                                 | 85                                       |

|   |    |    |    |
|---|----|----|----|
| The meaning of the soul includes:   |    |    |    |
| 29. something which pertains to each person .....                                   | 88 | 87 | 88 |
| 30. imponderability (weight-less-ness) .....  | 70 | 65 | 68 |
| 31. invisibility (cannot be seen) .....   | 91 | 89 | 91 |
| 32. intangibility (cannot be felt) .....  | 88 | 88 | 88 |
| 33. immortality (cannot die) .....  | 88 | 95 | 86 |
| 34. An idiot has a soul .....   | 77 | 77 | 86 |
| 35. At some time God will divide souls into good and<br>bad .....                   | 87 | 86 | 48 |
| 36. Bad souls will be handed over to Satan for punish-<br>ment in hell .....        | 79 | 76 | 30 |
| 37. Good souls will stay in heaven with God .....                                   | 88 | 83 | 55 |
| 38. Heaven is a better place than earth .....                                       | 94 | 88 | 64 |
| 39. Hell is a worse place than earth .....  | 87 | 81 | 50 |
| 40. The adherents of other religions than Christianity<br>will all go to hell ..... | 27 | 22 | 7  |

Propositions favored about equally by Sunday schools and by college students are numbers 28 to 33 inclusive, mostly about the soul. It is interesting to observe that of all the doctrines presented in this questionnaire students' present belief most favors those concerning the soul. Numbers 29 to 33 are classical doctrines, and, except for number 30 on the imponderability of the soul, all are approved by more than eighty-five percent of the students, a figure not approached by any other doctrine except number 28.

The remaining class, that of specific doctrines less favored by students attending college than by Sunday school teachers is the largest of the three classes in the comparison of the first with the third column. Out of forty doctrines, twenty-seven find fewer advocates among college students than among Sunday school teachers, to the extent, at least, that students' memories are accurate in recording what was taught to them in Sunday school. But even if an allowance is made, say of ten per cent, for inaccuracy, the difference would remain sufficiently striking in many cases, and measurable in nearly all. As might have been expected, the greatest fall is in the case of the miracle of Jonah and the whale, which is credited by about one student

in four, whilst it was apparently taught to about nine out of ten. Miracles as a whole, however, have not, according to Table II, lost favor as a class of doctrines as much as have the doctrines concerned with future punishment, numbers 35, 36, and 39.

The figures in columns one and two are generally very nearly equal. In some cases a small proportion of students seem to have rejected a doctrine in Sunday school, for example, the doctrines concerning prayer. In a few other cases, numbers 4, 9, 11, 12, and 33, the student seems to have learned the doctrine outside of Sunday school, as undoubtedly often happens. On the whole, children believe what they are told.

Since the first and second columns are so nearly alike, it seems unnecessary to examine the differences between the second and third columns, practically everything being true in regard to the changes in the beliefs of individuals as is true between the teachings of Sunday school and the belief of college students.

#### *College Students' Beliefs*

As already remarked, the most favored orthodox doctrine seems to be that of the soul, accepted by more than eighty-five percent of the college students. The resurrection of Jesus is

accepted by seventy-one per cent of this group, while only eleven per cent believe that God is a literal, visible, audible person, twenty-two per cent in the infallibility of the Bible, twenty-four per cent in the effect of prayer on weather, twenty-eight per cent in the sojourn of Jonah inside a whale, thirty per cent in punishment by Satan in hell, thirty-four per cent that they will be forgiven for their sins on account of the crucifixion of Jesus, forty-two per cent that the kingdom of God is located in heaven, forty-six per cent that Peter walked on the water, forty-eight per cent in the last judgment, forty-eight per cent that Jesus had no human father, and forty-nine per cent in his literal second coming. Would it be too much to say that Sunday schools might well take under advisement some revision of their instruction along these lines, doctrines which are accepted by less than half of

students attending college?

On the other hand liberals, and advocates of a social interpretation of the Christian religion, have food for thought in the fact that only sixty-five per cent of this group voted affirmatively on the proposition that the meaning of the kingdom of God includes the rescue of the world from such things as poverty and war, only forty-six per cent believe the kingdom is located on earth, while forty-nine per cent believe that it depends on the literal second coming of Christ. More satisfactory from the liberal point of view are the percentages of affirmative votes on the human fallibility of the Bible, on the interpretation of salvation primarily in terms of human conduct, and on the rejection both by Sunday schools and by college students of the notion that the adherents of other religions than Christianity will all go to hell.

## BOOK REVIEWS

BRIGGS, THOMAS H., *Curriculum Problems.* (Macmillan, 1926, 138 pages.)

It is a treat to come upon such a lucid book. It is a member of that attractive little book shelf, "The Modern Teacher's Series," edited by Wm. C. Bagley. As indicated by the editor, there have been successive waves in education and the wave of interest right now is the curriculum. Dr. Briggs in dealing with this question starts with a survey of the problem in his chapter on Curriculum Research. He attempts no solutions but tries simply to get the problems clearly before one. The rest of the book is taken up with what is the author's particular contribution and represents the most recent points of interest in curriculum research. There are just two chapters—"Emotionalized Attitudes" and "Mores." It is very interesting that these two items are the very subjects in which our social psychology is extremely interested at the present time.

The great thesis growing out of the first part of his book is this, "It has already been postulated that any adequate consideration of the curriculum must concern itself with the whole of life. Hitherto the formal curriculum has been wholly or almost wholly, composed of intellectual elements; but life is wholly or almost wholly, colored by the emotions." This statement ought to be of great interest to the

religious educator. The fact that the whole child must be considered means that the spiritual interests, upon which we want to lay the emphasis, must be considered.

It is a very keen analysis of Dr. Briggs which lays open what are two leading concerns today, the matter of attitudes and the all controlling effect of the environment. How these two interact in the development of character is yet to be unfolded. But it is a great step in advance when these things are recognized as all important for education. This book is worth more than its weight in gold.

Victor E. Marriott.

BUCKINGHAM, B. R., *Research for Teachers.* (Silver, Burdette and Co., 1926, 386 pages.)

An excellent summary, clear cut and non-technical, is given of what is most practical for teaching in the psychology of learning, in reporting facts and using the simpler statistical methods, the use of tests of intelligence and of school learning, the new type examinations (as true-false, alternative-response, completion blank, etc.) classifying pupils into class groups, dealing with errors and failures, and reaching the individual. A rather unusual final chapter develops the need and possibilities of the teacher contributing to the working up of research materials.

The book should be especially valuable to teachers and officers in religious education, which is less limited by textbooks, is more open to initiative by teachers and has a more complex and indefinite task than general education. On the other hand, less professionally trained supervision, and the smaller amount of objective and mathematically precise investigation so far done makes the contribution of the individual teacher more consequential.

While the title is a bit over-ambitious, the valuable point of view and the statistical and other technique should serve directly and in opening the way to extensive further study of traits, attitude and behavior units, in controlling the larger life situations, and the working out of valid and scientifically demonstrated methods of individualized teaching and of control of life situations.

*Jordan Cavan, Rockford College.*

CAVERT, SAMUEL MCCREA, *Securing Christian Leaders for Tomorrow.* (Doran, 1926, 179 pages, \$1.50.)

It is difficult to think of any topic within the range of religious education more important than that discussed in this book. The success of whatever plans and policies may be adopted by a church or school are dependent for their success upon the right sort of leadership. The treatment which Dr. Cavert has given is worthy of the theme. This book, as the author says, is not the sole product of one person's thinking or experience, but is the result of a series of conferences with representatives of many Christian organizations. Dr. Cavert clearly recognizes the vital relationship of recruiting and enlistment in Christian service to the whole program of Christian education in the home, church, school, the college, or university; and that no successful recruiting program can be carried on as an independent activity on the college or university campus. Most refreshing and wholesome also is his emphasis upon the need of an adequately trained and reasonably compensated ministry and an effective church as factors in good recruiting. Young men and women of the highest type, and the complex problems of modern life certainly demand such, will not be attracted to a profession which is not sufficiently respected by the community to be given a decent living wage, nor to a church so aloof from the trend of modern life as to have no practical effect upon it. The author makes many wise observations concerning the importance of cooperation in the work of recruiting, the lessons that may be drawn from the example of other vocations such as social service and that of commercial corporations, and brings out clearly the importance of following up the work of recruiting by a judicious plan for the placement and replacement of workers. The well chosen bibliography adds to the value of the book, which is on the whole, the best and most comprehensive treatment of this subject that we have yet seen. It should be

read by every pastor and director of religious education in the local church as well as by the college leader.

*Herbert W. Gates.*

FLEWELLING, RALPH TYLER, *Creative Personality.* (Macmillan, 1926, 320 pages, \$2.50.)

In "Creative Personality," Professor Flewelling takes the position that in order to get the best practical results we have to act "as if" certain things were true. Accordingly, he postulates Personality as the primary factor in all reality, thought, value, and life. His principle of interpretation is that which may be described by the term "Personalism." Personalism is a form of idealism, which places the emphasis upon individuality, a type of philosophy championed by Leibniz, Berkeley and others. As a metaphysical theory, personalism holds the conception of reality as a world of persons with a Supreme Person at the head. So, in "Creative Personality," the author contends that personality is the primary idea, while nature is only secondary.

Although personalism affirms the reality of personality as primary, it differs from most forms of pluralism in that it does not deny impersonal reality in any form. It also differs with other forms of idealism. It is concerned primarily with values, and maintains that the higher values are the real evidences of reality. The principle of this theory is, that the clue to the interpretation of values is not to be found in the abstract concepts of science, nor in the metaphysical concept of the atom, nor in the concept of life or organization as a spiritual activity; but rather, in the moral and religious person, which is the highest and most complex expression of individuality. In some respects this is a complete reversal of the Monad theory. Leibniz began with the simple monad, and traced the hierarchy upwards through the higher degrees to the Supreme Monad; whereas, personalism, as expounded in this volume, begins with the free Spirits in the City of God and works from above downwards. God, the Supreme Person, is behind the dim unknown, and is the secret of the world order. Yet He wishes to make man a party to moral achievement, and awaits only man's cooperation.

*W. A. Sloan.*

LENROOT, KATHARINE F., AND LUNDBERG, EMMA O., *Juvenile Courts at Work.* Children's Bureau Publication No. 141. (Government Printing Office, 1925.)

After a preliminary statement which shows that 43 per cent of the population of the United States and all cities of 100,000 or over are served by juvenile courts, this study gives details for ten juvenile courts. The organization of the court, the type of court room and hearing, detention homes, method of studying the case, probation work and numerous other phases of juvenile court work are discussed for each of the ten cases.

*R. S.*



RUGG, HAROLD, chairman, *The Foundations and Technique of Curriculum-construction*. 26th Yearbook, National Society for the Study of Education, Part II. (Public School Publishing Co., Bloomington, Ill., 1926, 238 pages.)

In the past, writing on the theory of what we teach and might teach has been a babel of tongues, agreeing chiefly in disagreement, and practice has been largely mere repetition, or opinion inspired changes naively unrelated to most of the theory. Are we to teach quadratics or to develop the child? Are we to aim at meeting childhood needs, immediate tasks after graduation, or the enlarged activities at maturity? Shall we base our program on the world as it now is, or the world as it should be or might be a generation hence in the child's adulthood? Shall the textbook chapter, the class-hour problem, the project, or the eventual final skill or character-trait be the unit in our planning? The textbook writer and the classroom teacher writing a lesson plan must wait for science to emerge out of the conflict of opinions, or else muddle through more or less in the dark.

A committee seeking to include the outstanding writers, and the spokesmen of the varying groups, has spent some two years in pursuit of a formulation of principles on which all could agree in substance, at least as the next step forward in fitting educational process to the increased needs from the complexity and change of modern life. Five conferences of a day or two, preliminary conferences, and endless correspondence, subsidized by the society, led to a seventeen page statement, "The Foundations of Curriculum-making," by the chairman, Dr. Rugg, aptly headed "an adventure in understanding."

The members who then append statements and chapters stating their individual views, with the joint statement as a point of departure, include Bagley, Bobbitt, Bonser, Charters, Counts, Courtis, Horn, Judd, Kilpatrick, and Rugg. Representative quotations from John Dewey (1900-1926) and the pioneer Herbartian discussion (1894-96) follow.

No better suggestion could be given to other learned societies or groupings of experts for an improved basis of activity, and with the Clark University lectures printed as *Psychologies of 1925* this yearbook constitutes a landmark in the development of the more controversial fields of knowledge toward the objective and indisputable formulations we accept as a modern science.

Jordan Cavan, Rockford College.

SCHWEISINGER, GLADYS C., *The Social-Ethical Significance of Vocabulary*. Teachers College Contributions to Education, No. 211. (Teachers College, Columbia University, 1926.)

School children were tested on their knowledge of a social-ethical vocabulary and the results correlated with results of other tests. The social-ethical vocabulary correlated highly with native intelligence and moral knowledge.

It also correlated, but less highly, with home background and with the results of a good manners test. While the social-ethical vocabulary test did not correlate on individual cases with honesty scores, it was found that groups with high dishonesty scores had lower scores on the vocabulary test than groups with a low score on dishonesty. The social-ethical vocabulary test can therefore be regarded as an indicator of other elements of ability, training, and character. The book describes in detail the way in which the test was constructed and standardized and is therefore a manual of method as well as a discussion of results.

R. S.

THRASHER, FREDERIC M., *The Gang*. (U. of Chicago, 1927, 571 pages, \$3.00.)

This book is a first hand sociological study of gang life in the Chicago metropolitan region. The author spent nearly ten years working with boys' groups in various parts of the city, thus coming into intimate inside contacts with many hundreds of the 1,313 gangs that are the basis of the report made in this volume. Professor Thrasher brought to his investigation the insights gained through parallel study in the Department of Sociology in the University of Chicago. In this way the author has produced a most significant book combining first hand information of gang life in Chicago with the most recent insights as to theoretical explanation of these same sociological phenomena.

The book is designed to present the sociology of the gang as a type of human group. For this reason it is of interest and value to all types of religious educators. Ganging begins in boyhood, flourishes during adolescence and culminates in anti-social attitudes and actions for many of its victims in adult life. While it seems to flourish most readily in such a natural habitat as the deteriorated areas of the city slum, it is to be found in even remote rural and village areas wherever two or more boys get a chance to mingle much without close guidance or counsel from elders. Ganging thus appears as a spontaneous tendency of boys and youths to form their own social groups wherever social control and guidance from elders perceptibly weakens or breaks down. This book covers the sociological description of this natural history of the gang, of life in the gang, of the organization and internal controls set up by gangs, and of the gang as an emergent problem in the social life of our day. The discussion of the type of external control necessary to reduce the demoralization due to gang life and experience and to guide existent gangs into intelligent and co-operative participation in the larger plans of life held by the normal community is of real significance to workers in the field of religious education.

Readers who wish to secure concrete material for discussions of the emergent emphasis upon social life and situations as the formative factor in developing character and personality will find this volume a rich source of first

hand information. While the author avoids dogmatism in his positions, the point of view is distinctly opposed to attributing gangs to native instincts. They are discussed as resultants of complex and deteriorated social situations and as social factors of large significance in the formation of the personalities of their members.

In purpose the book is distinctly scientific, as the author puts it: "The study is primarily an exploratory survey designed to reveal behavior-trends and to present a general picture of life in an area little understood by the average citizen." This purpose and its admirable execution makes the book an invaluable addition to the library of all workers with boys. It brings forward the scientific conceptions of the sociology of groups in a way that is so linked up with concrete life situations that even the tyro in science will be able to see more clearly the issues involved in our complex modern social life.

*M. H. Bickham.*

WHITE, GOODRICH C., Teaching in the Sunday School. (Cokesbury, 1926, 211 pages, \$1.00.)

An introduction to the study of class room methods for Sunday school teachers. After two opening chapters on obtaining and holding attention and getting pupils to study, the author discusses, one by one, the use of such

methods as story telling, questioning, discussions and lectures, dramatics and hand-work, projects, and the use of illustrations. Throughout the volume pedagogical principle after principle is taken up and illustrated by the use of the most concrete situations, thereby linking the application of principles to successful teaching. This is a most practical volume, prepared in the most simple language, for the use of unsophisticated Sunday school teachers.

*L. T. H.*

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